HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3511 of 2020

- Durgesh Yadu @ Vikki S/o Rajendra @ Balla Yadu Aged About 25 Years R/o Village Semri Near Hanuman Mandir Tahsil Patan, District Durg, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through S.H.O., Police Station Anda, District Durg, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Avinash Chand Sahu, Advocate.
For State/respondent	: Mr.Anand Verma, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/07/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.04/2020 registered at Police -Station-Patan, District-Patan(C.G.) for the offence punishable under Sections 376 of IPC, Section 5 & 6 of POCSO Act, 2012.

2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The radiologist report contradicts the date of birth of the prosecutrix which is entered in the school register. The prosecutrix has admitted in her statement that she and the applicant both had love affair. As the applicant refuse

to marry her, because of which this false FIR has been lodged against him. Hence, it is prayed that applicant be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the prosecutrix was minor, therefore, any consent given by her is immaterial. Hence, the application be rejected.

4. I have heard the learned counsel for both the parties and perused the case diary.

5. According to the prosecution case, it is alleged that this applicant has on pretext of marriage established physical relation with the minor prosecutrix and then lastly he has refused to marry her, therefore, the FIR has been lodged.

6. After considering the submissions and the facts of the case, I feel inclined to allow the bail application of this applicant.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha