

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3925 of 2020**

Yogendra AKA Dipak Yadav, S/o. Indalu Yadav, aged about 25 years, R/o. Village- Atal Chowk, Pahanda Road, Thana- Amaleshwar, Tahsil and District- Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Police Station- Durg, District- Durg, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Swati Verma, Advocate
For Respondent/State	: Mr. Adil Minhaj, G.A.
For Complainant	: Mr. Yogesh Pandey, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****14/08/2020**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.168/2019, registered at Police Station – Amaleshwar, Durg, District Durg (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The applicant and the prosecutrix both were only friends and there had never been any physical relation between them.

FIR lodged by the father of the prosecutrix is totally false and concocted. The applicant is in jail since 15.11.2019. Therefore, it is prayed that the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the age of the prosecutrix is only 15 years and there is evidence that she was exploited sexually by the applicant for about one year, before FIR was lodged by her father. Therefore, the application be rejected.
4. Counsel for the objector/complainant adopts the argument advanced on behalf of the State and submits that the prosecutrix has made clear and categorical statement making allegation against this applicant. Further it is submitted that the complainant and other witnesses are being influenced by the family members of the applicant putting pressure to withdraw the case, therefore, the complainant has strong objection in grant of bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, it is alleged that the prosecutrix aged about 15 years was being exploited sexually by the applicant since about one year before FIR was lodged on 14.11.2019 on pretext of false promise to marry her.
7. Considered on the submissions. Taking into consideration the fact that the age of the prosecutrix is only about 15 years and she has made categorical statement against the applicant, further the complainant

has strong objection in grant of bail to the applicant, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram