

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4013 of 2020**

Shobharam Yadav S/o Shri Ratiram Yadav Aged About 22 Years R/o Village-
Devsra P.S. Berla Distt. Bemetara, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through P.S. Dharsiwa, District- Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Pragalbha Sharma, Advocate.
For the Respondent/State : Shri Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****29.06.2020**

Heard.

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.592 of 2019, registered at Police Station – Dharsiwa, District – Raipur, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 7.12.2019 and has been falsely implicated in this case. The prosecutrix in this case is not a minor and she had been a consenting party throughout, which is reflected from her statement under Section 164 of the Cr.P.C. Hence, it is prayed that the applicant be enlarged 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

prosecutrix had been minor on the date of incident, therefore, any consent or willingness on her part does not absolve the applicant from guilt. Hence, no case is made out for grant of bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. It is alleged that this applicant abducted the minor prosecutrix of age 16 years and 11 months and then after performing sham marriage with her he had physical relation with her on several occasions. On the complaint lodged by the father of the prosecutrix, the police has recovered the prosecutrix from the custody of this applicant.

6. After considering the facts and circumstances of the case and the submissions made by the counsel for the applicant, I am of the considered view that this is a fit case for grant of regular bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge