

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.3907 of 2020

- Meshram Yadav S/o Chandra Kumar Yadav Aged About 29 Years R/o Doma, Police Station Bori, District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Officer In Charge Police Station Bori, District Durg Chhattisgarh

---- Non-applicant

For Applicant : Mr. Ashwin Panickar, Advocate.

For Non-applicant/State : Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-06-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 01.05.2020 in connection with Crime No.30/2020, registered at Police Station- Bori, District- Durg, C.G. for offence punishable under Section 376 of I.P.C. and Sections 05 and 06 of POCSO Act, 2012.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 01.05.2020 and has been falsely implicated in this case. No case is made out against the applicant. The prosecutrix is not a minor and she had been a consenting party. The prosecutrix has stated in her statement before the Magistrate under Section 164 of Cr.P.C. that she had an affair with the applicant and further the prosecutrix also appeared before the Sessions Court and made a statement that she had no objection in grant of bail to the applicant, which has not at all been considered in the rejection order. Therefore, it is prayed that this

application be allowed.

3. Learned counsel for the State/non-applicant formally opposes the application and submits that the prosecutrix in this case is a minor, therefore, any consent given by her is immaterial. Therefore, this application be may rejected.
4. Heard learned counsel for the parties and perused the case diary.
5. As per the prosecution case, the applicant and prosecutrix were having an affair since about some time and they had physical relation on a number of occasions, when this relation was discovered, the F.I.R. has been lodged.
6. Considered on the submissions and also the material that is present in the case diary, it is clear that the prosecutrix has admitted about the affair with the applicant and also that she has made a statement of no objection in grant of bail to the applicant which is mentioned in the rejection order. Hence, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge