

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4088 of 2020

Shyam Yadav, S/o Shri Vishal Yadav, Aged About 20 Years, R/o New Shanti Nagar, Rawabhatha P/S Khamtarai, Distt. Raipur, Civil and Revenue Distt. Raipur (C.G.)

--- Applicant

Versus

State of Chhattisgarh, through Police Station Khamtarai Raipur (C.G.)

--- Respondent

For Applicant : Mr. Ajay Mishra, Advocate.

For State/ Respondent : Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01/07/2020

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. 144/2020, registered at Police Station- Khamtarai, District- Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of IPC & 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 24.03.2020 and has been falsely implicated in this case. No case is made out against the present applicant. The prosecutrix had willingly accompanied with the applicant and it was on her instigation, the applicant felt compelled to take her with him, which is found in statement of the prosecutrix given to Child Welfare Society, Raipur. Hence, it is prayed that this

applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that the statement given by the prosecutrix is categorically against the applicant and that the prosecutrix was minor on the date of incident, therefore, consent given by her is immaterial, hence, the application for grant of bail may be rejected.
4. Heard counsel for both the parties and perused the records.
5. As per case of the prosecution, the applicant eloped with the prosecutrix promising to marry her and then after abduction, he took her to different places. While residing in that places, keeping her in his custody, he exploited her sexually.
6. After considering on all the facts and circumstances of this case, I am of the view that it would be proper to release the applicant on regular bail, hence, I feel inclined to grant bail to the applicant in this case.
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.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge