

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4377 of 2020**

Ghanshyam Yadav S/o Shri Madho Yadav Aged About 19 Years R/o Labhandi, Police Station Telibandha, Raipur, Tahsil And District Raipur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Arang, District Raipur Chhattisgarh.

---- Respondent

For the Applicant : Smt. Indira Tripathi, Advocate.
For the Respondent/State : Shri D.P. Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.08.2020**

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.227 of 2020, registered at Police Station – Arang, District – Raipur, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 4 and 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 11.5.2020 and has been falsely implicated in this case. The prosecutrix is not minor and she had willingly accompanied the applicant and consented for physical relation, therefore, no case is made out against the applicant. Hence, it is prayed that the applicant be enlarged on bail during the

pendency of trial.

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 according to the statement given by the prosecutrix under Sections 161 and 164 of the Cr.P.C., it is not a case of consent for physical relation, however, the prosecutrix is a minor girl aged about 14 years 8 months only and her consent and willingness is immaterial. Hence, the applicant is not entitled for grant of bail.

4. The complainant is present alongwith the prosecutrix before this virtual Court through the Help-Desk of the High Court. They made a statement that they have no objection in grant of bail to the applicant.

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

6. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age below 16 years and they by keeping her in custody he established physical relation with her which amounts to commission of offence of rape.

7. Considered the submissions and the facts that are present in the case. The prosecutrix has admitted in her statement that she and the applicant had love affair. Looking to the statement of no objection made by the complainant and the prosecutrix, I am of this view that it is a fit case where the applicant should be benefited with grant of regular bail during the

pendency of trial.

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

9. 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