

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5037 of 2020**

- Yashwant Sahu S/o Late Vishal Ram Sahu, Aged About 25 Years R/o Village Kanketara, Police Station Lalbag, District Rajnandgaon Chhattisgarh

---- Applicant

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Lalbag, District Rajnandgaon Chhattisgarh

---- Respondent

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| For Applicant/s | : | Mr. Abhishek Sharma, Advocate. |
| For State       | : | Mr. Ravish Verma, G.A.         |

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**Hon'ble Shri Justice Manindra Mohan Shrivastava****Order On Board****22/09/2020**

Heard.

1. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.241/2019 registered at Police Station- Lalbag, District-Rajnandgaon, C.G. for the alleged commission of offence under Sections 363, 366, & 376 of IPC and Sections 4 & 6 of the POCSO Act.
2. Prosecution case is that the applicant abducted and committed rape on the prosecutrix, who is stated to be less than 18 years of age.
3. Learned counsel for the applicant would submit that applicant has been falsely implicated in the case. Even according to the prosecutrix, who has not been examined in the Court, the applicant did not commit anything wrong with her. He would argue that in the Court statement, prosecutrix has declared her date of birth as 26.05.2000 that means, on the date of alleged incident, prosecutrix was more than 18 years of age. As prosecutrix, her father and mother all have been examined, at this stage, the applicant may be granted bail.
4. On the other hand, learned State Counsel opposes and submits that the allegations against the applicant are grave in nature that he abducted and committed rape on a minor girl. He would submit that during investigation, the

evidence collected by the prosecution in the form of school entry shows that date of birth of the prosecutrix was 26.05.2002, therefore, the prosecutrix was minor on the date when she went along with the applicant and married. He would submit that prosecutrix in her Court statement has clearly stated that after marriage she and the applicant are having sexual relations.

5. On *prima facie* consideration, it appears that the prosecutrix and the applicant had an affair and they married also. Prosecutrix is said to have gone along with the applicant in the month of March and allegation of marriage and sexual intercourse is subsequent to that. While in the prosecution document the date of birth of the prosecutrix is shown to be 26.05.2002, in the Court evidence, prosecutrix has stated her age to be 26.05.2000. Learned counsel for the applicant also submitted that statement of the father of the prosecutrix with regard to age of the prosecutrix is also contradictory to the evidence collected by the investigation authority, therefore, at this stage, I am inclined to grant bail to the applicant.
6. Accordingly, the bail application is 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/- along with one local surety of the like amount to the satisfaction of the Trial Court on the condition that-
  - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
  - b) He shall not in any manner, tamper with the prosecution witnesses.

Certified copy as per rules.

**Sd/-**  
**(Manindra Mohan Shrivastava)**  
**Judge**