

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6089 of 2020**

Ritesh Yadav alias Rinku Yadav, S/o. Rekhram Yadav, aged about 19 Years
R/o. Rawabhata, Indira Colony, Mandir Hasaud, District Raipur (C.G.).

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, P.S. - Mandir Hasaud,
District Raipur (C.G.).

---- Respondent

For Applicant : Mr. Vinay Nagdev, Advocate

For Respondent/State : Mr. Devendra Pratap Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**15/12/2020**

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.105/2019, registered at Police Station –Mandir Hasaud, District – Raipur (C.G.) for the offence punishable under Section 363, 366, 376-(2) (n) and 376 (3) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix has not supported the prosecution case in her statement under Section

164 of Cr.P.C., hence, no case is made out against the applicant. Therefore, it is prayed that the applicant may be released on regular 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 has clearly made allegations against the applicant regarding commission of offence of rape in her statement under Section 161 of Cr.P.C.. Therefore, the applicant is not entitled for grant of bail.
4. The prosecutrix is virtually present before this Court through Help Desk of District Legal Services Authority, Raipur and she has stated that she has at present objection in grant of bail to the applicant, however, she wants family of the applicant should negotiate for marriage.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant enticed the minor prosecutrix, then performed marriage with her in temple, the applicant then had physical relation with her by keeping her in his custody for about three months. The prosecutrix became pregnant, subsequent to which, FIR has been lodged.
7. Considered on the submissions and the facts of the case. Looking to the statement that has been given by the prosecution under Section 164 of Cr.P.C., this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram