

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.6321 of 2020

- Rakesh Kumar Yadav S/o Bisauha Ram Yadav, Aged About 24 Years
R/o. Pod, P.S. Gobra, Navapara District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Kurud, Outpost- Birejhar District Dhamtari Chhattisgarh

---- Non-applicant

For Applicant : Mrs. Indira Tripathi, Advocate.
For Non-applicant/State : Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-10-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. The applicant has been arrested on 18.05.2020 in connection with Crime No.235/2020, registered at Police Station- Kurud, Outpost- Birejhar, District- Dhamtari, C.G. for offence punishable under Sections 363, 366 and 376 of I.P.C. and Section 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. Admittedly, there had been an affair between the applicant and the prosecutrix which continued for some time and resulted in pregnancy of the prosecutrix. The F.I.R. has been lodged for the reasons that the applicant had refused to marry the prosecutrix. He is in jail since 18.05.2020. Therefore, he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that prosecutrix is clearly a minor, therefore, any consent or willingness on her part is immaterial. Hence, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. As per the prosecution case, the applicant had an affair with the minor prosecutrix since 01.09.2019. It is alleged that he has exploited the minor prosecutrix sexually which resulted in her pregnancy. When the prosecutrix asked the applicant to marry her, the applicant refused, therefore, this F.I.R. has been lodged.
6. Considered on the case in hand and the submissions that have been made, I am of this view that this application should be allowed.
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, on condition as imposed by the concerned Court.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge