

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUROrder reserved on 16-10-2020Order delivered on 02-11-2020MCRC No. 5986 of 2020

1. Diwakar Yadav S/o Santosh Yadav, Aged About 19 Years, R/o Village Matiya, Tahsil Patan, District Durg Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through SHO Patan, District : Durg, Chhattisgarh.

---- Respondent

For Applicant	Mr. B.P. Singh & Mr. Shikhar Bhaktiyar, Advocate
For Respondent /State	Mr. Sudeep Agrawal, Dy. Adv. General

The prosecutrix appeared along with her father through Video Conferencing from DLSA, Durg

(Proceedings through Video Conferencing)

Hon'ble Mr. Justice Prashant Kumar Mishra

CAV Order

1. Heard.
2. The applicant has preferred this bail application for grant of bail as he has been arrested in connection with Crime No.79/2020, registered at Police Station - Patan, District : Durg, for the offence under Section 363, 366 & 376 of the

Indian Penal Code and Sections 4, 6 of the Protection of Children from Sexual Offences Act 2012.

3. Father of the prosecutrix lodged FIR (First Information Report) on 6-6-2020 informing that his daughter left the house in the afternoon of 5-6-2020 on the pretext of going to their shop, however, she did not return till evening and later on informed over his mobile that she will not be returning in the night. The informant did not name the person, who allegedly abducted his daughter.
4. In her 164 Cr.P.C. statement the prosecutrix stated that she is in love with the applicant for about 6-7 months prior to the incident and had gone with him of her own and stayed in the house of the applicant's maternal uncle. The police was informed by applicant's maternal uncle whereafter the girl was recovered. In her diary statement, she alleged that first sexual intercourse happened on 14-5-2020 and thereafter, on 5-6-2020. Here again she states about having an affair with the applicant.
5. In course of hearing of this bail application, prosecutrix and her father appeared through video conferring from DLSA, Durg and they stated that they have no objection if the applicant is allowed bail.
6. Albeit the prosecutrix is less than 16 years of age, however, considering the affair and no objection of herself and her father during hearing of the bail application, I am of the opinion that present is a fit case to release the applicant on regular bail.

7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.
8. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri