

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7869 of 2020**

Yadram Yadav, S/o. Shri Tularam Yadav, aged about 21 years, R/o. Village- Sirri-Patharimuda, P.S. and Tahsil - Baghbahra, Distt.- Mahasamund (Chhattisgarh).

---- Applicant**Versus**

State of Chhattisgarh, Through : The P.S.- Baghbahra, Distt. Mahasamund (Chhattisgarh).

---- Respondent

For Applicant : Mr. J.A. Lohani, Advocate

For Respondent/State : Mr. Gurudev I. Sharan, Govt. Advocate

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.51/2020, registered at Police Station –Bagbahra, District – Mahasamund (C.G.) for the offence punishable under Section 363, 366, 376 (2) (m) 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 was not minor on the date of incident and the applicant intends to challenge

the ground of minority of the prosecutrix in trial. Statement of the prosecutrix under Section 164 Cr.P.C. reveals that there had been an affair and consensual relation between the applicant and the prosecutrix. 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 was minor of age below 18 years, therefore, any consent or willingness on her part is immaterial. Therefore, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, it is alleged that the prosecutrix of age 16 years and 11 months was abducted by the applicant on 14.03.2020 on the pretext that he will marry her. The applicant then kept the prosecutrix in his custody in Raipur for about three months until she was recovered 29.06.2020. On the basis of the statement given by the prosecutrix, offences have been registered against the applicant.
6. Considered on the submissions and the facts of the case. Considering on the statement that has been given by the prosecutrix in the investigation, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

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