

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C. No.7717 of 2020**

- Yashwant Thakur S/o Dauva Ram Aged About 21 Years R/o Chotay Birejhar, Chauki Latiya, Police Thana- Bori, District- Durg (Chhattisgarh) 491001

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through District Magistrate, Durg, District - Durg (Chhattisgarh) - 491001

**---- Non-applicant**

---

For Applicant : Dr. Saurabh Kumar Pande, Advocate.

For Non-applicant/State : Mr. Gurudev I. Sharan, Govt. Advocate.

---

**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**11-12-2020**

1. Heard on the application filed under Section 439 of the Cr.P.C. The applicant has been arrested on 24.03.2020, in connection with Crime No.62/2018, registered at Police Station- Bori, District- Durg, C.G. for offence punishable under Sections 363, 366 and 376 of I.P.C. and Sections 04 and 06 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in the case. The prosecutrix was not minor on the date of incident, in fact, there had been an affair between applicant and prosecutrix because of which both had eloped and went to Hyderabad, where they performed marriage and started residing together. The prosecutrix then became pregnant and came back to her parents' house. Then the police was informed and the applicant was arrested. The statement of prosecutrix under Section 164 of Cr.P.C. does not disclose any commission of offence. The applicant is in jail since about 08 months. Hence, it is prayed that the applicant may be

granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that on the date, the prosecutrix was abducted by the applicant, she was minor and any willingness or consent on her part is of no consequence. The offence registered against the applicant clearly made out. Therefore, this application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, the applicant abducted the minor prosecutrix on 17.06.2018 regarding which F.I.R. was lodged. The prosecutrix was then recovered on 16.10.2019. On the basis of the statement given by her, the offences have been registered against the applicant. Hence, this case.
6. Considered on the submissions and the facts present in this case, I am of this view that the applicant deserves to be granted bail.
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