

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7705 of 2020

- Yashwant Sinha, S/o Vipath Ram Sinha, Aged About 22 Years, R/o Village Daehan, Police-Station-Gaendatola, District-Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police-Station-Gaendatola, District-Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	: Mr. Aditya Bhardwaj, Advocate.
For State/respondent	: Mr. Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

11/12/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.37/2020 registered at Police-Station-Gaendatola, District-Rajnandgaon(C.G.) for the offence punishable under Sections 363, 366(A), 376 of IPC and Section 3 & 4 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 applicant is in jail since 18.7.2020. The prosecutrix was not minor on the date of incident. The proof of age regarding prosecutrix in the charge-sheet is unreliable which is based on two documents which contradict each other. Otherwise, the statement of prosecutrix in the investigation

shows, that she had been a consenting party in the relation with applicant, hence, the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the statement given by prosecutrix reveals, that the applicant knowing well that the prosecutrix has minor, has exploited her sexually, which amounts to commission of offence of rape. 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. As per prosecution case, it is alleged that the applicant on pretext of marriage enticed and abducted the minor prosecutrix on 15.7.2020 and then by keeping her in his custody he established physical relation with minor prosecutrix which continued until she was recovered on 17.7.2020 and then the FIR was lodged.
6. Considered on the submissions and the facts present in the case. Looking to the circumstances present, I feel inclined to allow the bail application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge