

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7811 of 2020

- Sadanand Yadav, Son of Baishakhu Yadav, Aged About 23 Years, Resident of Village Ward No. 3, Shanti Nagar, Bagbahara, Thana Bagbahara, District - Mahasamund (Chhattisgarh).

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station-Bagbahara, District- Mahasamund (Chhattisgarh).

---- Respondent

For Applicant	: Mr. Vikash Pradhan, Advocate.
For State/respondent	: Mr. D.P. Singh, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

14/12/2020

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.213/2019 registered at Police-Station-Bagbahara, District-Mahasamund(C.G.) for the offence punishable under Sections 363, 366, 376(2) of IPC and Section 4 & 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 applicant is in jail since 9.10.2020. The prosecutrix was not minor on the date of incident. There had been an affair because of which both of them eloped and married. The prosecutrix was recovered from the custody of the applicant about after passing of more than one year on

9.10.2020. According to the statement of witnesses recorded in the investigation, the offences have been registered against the applicant.

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 prosecutrix was minor, therefore, any consent or willingness on her part is immaterial, hence, application be rejected.
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 performing marriage with enticed and abducted the minor prosecutrix and then by keeping her in his custody for about one year, he established physical relation with minor prosecutrix which continued until she was recovered i.e. 9.10.2020.
6. Considered on the submissions and the facts present in the case. Looking to the statement that has been given by the prosecutrix under Section 161 and 164 CrPC, 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