

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7885 of 2020**

Jogeshwar @ Pelu Yadav, S/o. Shri Nathelu Yadav, aged about 26 Years,
R/o. Lakhooli, Police Station Arang, District Raipur, Civil and Revenue District
Raipur, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Police Station : Arang Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ajay Mishra, Advocate

For Respondent/State : Mr. B.P. Banjare, Dy. 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.501/2019, registered at Police Station –Arang, District – Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4, 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 she had been a consenting party, which has been reflected from the statement given under Section 164

of Cr.P.C. The applicant and the prosecutrix both have married and they are having a child and the prosecutrix is residing with the family of the applicant. 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 according to the statement of the witnesses present in the case diary, no case is made out in favour of this applicant for grant of bail. 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 this applicant abducted the minor prosecutrix of age below 18 years on 07.09.2019 and then she was in her custody for about one year until she was recovered by the police on 12.10.2020. Prosecutrix has made statement that she and the applicant both performed marriage in temple and then also in Arya Samaj Temple, however, on account of minority of the prosecutrix, the offences have been registered against the applicant.
6. Considered on the submissions and the facts of the case. Looking to the circumstances present, 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