

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 779 of 2021

- Manish Yadav S/o Dilharan Yadav, Aged About 21 Years, Resident of Pendar Sa, Police Station Sargaon, District Mungeli, Chhattisgarh, District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Sargaon, District Mungeli, Chhattisgarh, District : Mungeli, Chhattisgarh

---- Non-applicant

For Applicant – Shri Umakant Singh Chandel, Advocate.

For Non-applicant/State – Smt. Smita Jha, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-02-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 11-11-2020 in connection with Crime No.281/2020 registered at Police Station – Sargaon, District Mungeli, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4, 6 of POCSO Act.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. The prosecutrix was not minor. Further, her statement under Section 164 of the Cr.P.C. reveals that she herself invited the applicant to elope and perform marriage. The relation of the applicant and the prosecutrix was based on consent. Therefore, there is no case against this applicant. Hence, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor on the date of incident, therefore, her consent or willingness is immaterial and the case against the applicant is made out. Therefore, the application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.
5. The prosecution case is this, that this applicant abducted the minor

prosecutrix on 07-11-2020. A marriage was performed by the applicant with the prosecutrix in a temple and thereafter he had physical relation with the minor prosecutrix knowing well that she was not competent to give valid consent. Hence, this case.

6. Considered on the submissions. Looking to the statement that has been given by the prosecutrix under Section 164 of the Cr.P.C. and other circumstances, I feel inclined to allow this application.

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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge