

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 708 of 2021**

- Dinesh Yadav S/o Shri Chakradhar Yadav Aged About 23 Years R/o Village Gopalpur, Thana And Tahsil Pithora, District Mahasamund, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Pithora, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Sunil Sahu, Advocate.
For Respondent-State	:	Ms. Hamida Siddiqui, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant, Judge
Order on Board

23.06.2021

1. Heard on the application filed under Section 439 of Cr.P.C. This is the first bail application filed for grant of regular bail. The Applicant has been arrested on 29.12.2020 in connection with Crime No. 212/2019 registered at Police Station Pithoura, District – Mahasamund (C.G.) for offence punishable under Sections 363, 366, 376(2)(n) of Indian Penal Code and Section 6 of the Protection of Children from Sexual offences Act, 2012.
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 whereas there was a consensual relation between the Applicant and the prosecutrix. The FIR lodged against the Applicant is false. The prosecutrix is married to the Applicant and she is living with her in-laws in the house of this Applicant. Therefore, it is prayed that the bail may be granted to the Applicant.
3. The learned counsel for the State opposes the submissions and submits that the prosecutrix being minor was not capable of giving consent in respect of the incident which took place therefore, the case against the Applicant is

made out, hence he is not entitled for grant of bail.

4. Prosecutrix is virtually present before this Court through the District Legal Services Authority, Mahasamund. She has no objection in grant of bail to the Applicant.
5. I have heard the learned counsel for the parties.
6. According to the prosecution case, it is alleged that the Applicant abducted the minor prosecutrix who was of the age below 18 years and then kept her in his custody and also exploited her sexually after performing the marriage, hence this case.
7. Considered the submissions. As the prosecutrix herself has no objection in grant of bail to the Applicant and also looking to the other circumstances, I am inclined to allow this application. The application is allowed.
8. Consequently, the application filed by the Applicant under Section 439 of Cr.P.C for grant of regular bail is hereby allowed.
9. 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.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge