

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 847 of 2021**

Suneel Yadav, S/o. Ramlal Yadav, aged about 26 years, R/o. Semariya, Police Station - Kasdol, Taluka Kasdol, Village Semariya, District Baloda Bazar, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through - Station House Officer, Police of Police Station- Kasdol, District- Baloda Bazar, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Ramsajiwan, Advocate
For Respondent/State	: Ms. Anjali Singh Chauhan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**05/02/2021**

1. Heard.
2. Admit.
3. 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.334/2017, registered at Police Station – Kasdol, District – Baloda Bazar (C.G.) for the offence punishable under Section 363, 366 (A), 376 of the Indian Penal Code and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
4. 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 the applicant intends to challenge the minority of the applicant. Further she has made statement under Section 164 of Cr.P.C. before the Magistrate stating that she willingly went with the applicant, married him and was residing with him.

Therefore, the applicant has not committed any offence. Hence, it is prayed that the applicant may be enlarged on bail.

5. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that on the date of incident, she was of age about 16 years, therefore, she being minor any consent or willingness on her part is of no consequences. Therefore, the application be rejected.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. According to the prosecution case, it is alleged that on 01.09.2017, the prosecutrix was abducted by this applicant and was taken to a place where the prosecutrix was kept in his confinement, who was then sexually exploited on the basis of a sham marriage.
8. Considered on the submissions. Looking to the statement that has been given by the prosecutrix under Section 164 of Cr.P.C. and other circumstances present, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
10. 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