

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 911 of 2021**

Yashwant Kumar S/o, Karan Singh, aged about 26 years, Caste Ganda, R/o. Village Khairjhity, Police Station Chhura, District Gariyaband Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : The Station House Officer, Police Station Patewa, District Mahasamund Chhattisgarh.

---- Respondent

For Applicant	: Mr. Shivendu Pandya, Advocate
For Respondent/State	: Mrs. Smita Jha, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****17/03/2021**

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.190/2019, registered at Police Station – Patewa, District – Mahasamund (C.G.) for the offence punishable under Section 363, 366, 376 (2) (n) of the 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 statement of the prosecutrix under Section 161 and 164 of Cr.P.C. shows that there had been an affair and consensual relationship between the applicant and the prosecutrix. The applicant has also married the prosecutrix, who is now living with his family. He is in jail since 23.11.2020. Therefore, it is prayed that the applicant may be released on 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 the prosecutrix being minor was not capable to give valid consent, therefore, the offences registered against the applicant are made out. Hence, it is prayed that the application be rejected.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. Case of the prosecution is this that this applicant abducted the minor prosecutrix of age below 18 years, kept her in his custody and exploited her sexually on numerous occasions. He has also performed marriage with the prosecutrix, which is not recognized under any law.
6. Considered on the submissions and looking to the statement of the prosecutrix in the investigation 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.
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