

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1425 of 2021**

- Sonu Yadav @ Pramod Yadav, S/o Aktaram Yadav, aged about 21 years, Resident of Sbs Colony Jhopadi Gaytri Nagar Korba Op Manikpur Police Station Kotwali Korba, District Korba (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Kotwali Korba, District Korba (C.G.)

---- Non-applicant

For Applicant	:	Shri Vikas Kumar Pandey, Advocate.
For Non-applicant/State	:	Shri Alok Nigam, Government Advocate.

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

01.07.2021

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 24.10.2020 in connection with Crime No. 891 of 2020 registered at Police Station Kotwali, Korba, District Korba (C.G.) for the offences punishable under Sections 363, 366, 376 of Indian Penal Code 1860 and 4 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, further her statement under Section 164 of Cr.P.C shows that she was willing and a consenting party, hence, the Applicant may be granted the bail.
3. The learned counsel for the State opposes the bail application and submits that prosecutrix was a minor. Thus, she was not capable for giving consent, therefore, the application for bail may be rejected.

4. The prosecutrix is virtually present before this Court through the Help Desk of this High Court. She has no objection to the grant of bail to the Applicant.
5. I have heard the learned counsel for the parties and perused the record.
6. According to the prosecution case, it is alleged that the Applicant abducted the minor prosecutrix and took her to different places where he made physical relation with the prosecutrix knowing that she is minor and not capable to give consent. After that, the prosecutrix has been recovered by the Police.
7. Considered on these submissions. Taking into consideration, the facts and circumstances of the case and also the fact that the prosecutrix herself has no objection to grant of bail to this Applicant, I am inclined to allow this bail 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