

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1580 of 2021

- Bharat Yadav S/o Bramha Yadav Aged About 20 Years, R/o Village Khajuri P.S. and Tehsil Darima District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Outpost Kunni Police Station Lakhanpur District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

----Non-applicant

For Applicant – Shri Shakti Raj Sinha, Advocate.

For Non-applicant/State – Shri Sameer Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-07-2021

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 18-07-2020 in connection with Crime No.75/2020 registered at P.S. - Outpost Kunni, Police Station Lakhanpur District Surguja, Chhattisgarh for the offence under Section 363, 366, 376(2) (n) of the IPC and Section 4 of POCSO Act and Section 3(2-V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. No case is made out against the applicant according to the statement of the prosecutrix under Section 164 of the Cr.P.C. The applicant is in jail since 18-07-2020. Charge sheet has been filed. Therefore, it is prayed that the application be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor and further, her statement under Section 161 of the Cr.P.C. is very clear and categorical against the applicant. Therefore, the application may be rejected.

4. The prosecutrix is virtually present before this Court through DLSA Surguja. She has objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix who is a member of Scheduled Tribe and then he kept her in his custody and also exploited her sexually continuously until she was recovered by the police.
7. Considered on the submissions. After considering the statement that has been given by the prosecutrix under Section 164 of the Cr.P.C., I feel inclined to allow this application.
8. 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.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge