

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1941 of 2021

- Lokesh Yadav S/o Shri Mannu Yadav Aged About 20 Years R/o Ward No. 3, Tumgaon, P.S. Tumgaon, Tehsil And District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Mahasamund, District : Mahasamund, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Surfaraj Khan, Advocate.
For Respondent/State	:	Mr. Adil Minhaj, Govt. Advocate.

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

17/05/2021

Heard.

1. This is the *second* bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.480/2020 registered at Police - Station-Khamtarai, District-Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 6, of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the first bail application was dismissed as withdrawn on 19.11.2020. It is next submitted that the applicant has been falsely implicated in this case. The prosecutrix was not minor and the relationship of the applicant and prosecutrix was based on consent and during trial she has not

supported the case of the prosecution, hence, there is no case against this applicant, hence, it is prayed that he may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that prosecutrix clearly alleged the applicant in her diary statement and the statement under Section 164 Cr.P.C., therefore, the applicant is not entitled for grant of bail.
4. Notice has issued to complainant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is submitted that this applicant abducted the minor prosecutrix and he exploited her sexually knowing well that she was not capable to give valid consent for such relationship.
7. Considered on the submissions. On perusal of certified copy of deposition of prosecutrix, it is found that she is a hostile witness. Hence, looking to this development, I feel inclined to allow the application of this applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-
(Rajendra Chandra Singh Samant)
Vacation Judge