

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2071 of 2021**

Janku Yadav S/o Kisun Yadav Aged About 21 Years R/o Village- Nawagaon,
Police Station Gobra Navapara, District : Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Gobra
Nawapara Raipur, District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri C.R. Sahu, Advocate.
For the Respondent/State : Shri Anil Tripathi, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.07.2021**

Heard.

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.168 of 2019, registered at Police Station – Gobra, Nawapara, District – Raipur, Chhattisgarh for the offence punishable under Section 376(2)(da)(jha) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 29.5.2019 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident and it was clearly a case of love affair. Hence, it is prayed that the applicant be enlarged 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 age of the prosecutrix was below 16 years on the date of incident, therefore, her consent and willingness is immaterial. Hence, no case is made out for grant of bail to the applicant.

4. The prosecutrix is present before this virtual Court through the Help-Desk of DLSA, Raipur alongwith her father – Cherku Ram Yadav. She made a statement that she has no objection in grant of bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, it is alleged that this applicant exploited the minor prosecutrix of age below 16 years sexually because of which, she became pregnant and given birth to a child. Hence, this case.

7. Considered on the submissions. The prosecutrix has also been examined in the trial. Perused the certified copy of the deposition of the prosecutrix filed alongwith the application and the trial of the case is likely to take some time for its final disposal, therefore, I feel inclined to grant regular bail to the applicant.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge