

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2075 of 2021**

- Mahesh Yadav S/o Late Shri Gokul Yadav Aged About 20 Years R/o Ward No. 35, Ganjpara Bandha Talab Durg, District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The SHO P. S. City Kotwali District Durg Chhattisgarh.

---- Respondent

For Applicant	:	Shri Avinash Chand Sahu, Advocate
For Respondents/ State	:	Ms. Sunita Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****17/05/2021**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 94/2021 registered at Police Station- City Kotwali, District Durg (C.G.) for the offence punishable under Sections 363, 366, 376 (2) (ढ), 376 (3) of IPC and 4, 5 (ढ), 6 of Protection of Children from Sexual offences Act, 2012.
2. As per the prosecution case on 28.01.2021 the applicant enticed away the minor girl aged about 17 years 10 months from the lawful custody of mother and thereafter committed sexual intercourse with her.
3. Learned counsel for the applicant submits that it is a case of consent as the girl was 17 years 10 months as per the prosecution, therefore benefit of doubt being in favour of the applicant, furthermore the charge sheet has

been filed and statement under Section 164 of Cr.P.C. would show that she is a consenting party, therefore, the present applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail and submits that victim was minor.
5. Considering the facts and statement under Section 164 of Cr.P.C. and further considering the age of the victim 17 years 10 months and the charge sheet has been filed and the applicant is in jail since 03.02.2021, I am inclined to release the applicant on bail.
6. 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 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.
7. Accordingly, I.A. No. 01 i.e. application for urgent hearing and I.A. No. 02 i.e. application for hearing during summer vacation stands disposed off.

Sd/-

Goutam Bhaduri
Vacation Judge