

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2230 of 2021**

- Judev Yadav @ Lacky, S/o Shri Ramadhar Yadav, Aged About 21 Years, R/o Village Nigarband, P.S.-Takhatpur, District-Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through P.S.-Takhatpur, District-Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Dheerendra Pandey, Advocate.

For State/respondent : Mr. Samir Uraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****22/07/2021**

Heard.

1. This is the first 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.227/2019 registered at Police-Station-Takhatpur, District-Bilaspur(C.G.) for the offence punishable under Sections 363, 366A, 376 of IPC and Section 4 & 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since 05.02.2021. The statement of prosecutrix under Section 164 CrPC clearly mentions that the prosecutrix herself went to the applicant, requested him to marry her. Subsequent to which, both of them

married and are having a child. The prosecutrix was not minor and this will be proved by the applicant in the defence. False FIR has been lodged by the father of the prosecutrix, hence, it is prayed that this applicant 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 the age of prosecutrix have been below 16 years, therefore, her consent and willingness is immaterial, hence, the application be rejected.
4. The presecutrix is virtually present before this Court through the 'Help Desk' of High Court on notice. She has stated that she has no objection in grant of bail to this applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that this applicant abducted the minor prosecutrix took her to Delhi with him where he performed a sham marriage and exploited her sexually by having physical relation with her knowing well that she was not capable to give valid consent for such relationship. As a result of cohabitation, a child has been born to the minor prosecutrix.
7. Considered on the submissions. Taking into consideration the statement of prosecutrix under Section 161 CrPC and another circumstances present, I feel inclined to allow the bail 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)

Judge

Nisha