

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2435 of 2021

- Chandrakumar Yadav, S/o Pardeshi Yadav, Aged About 24 Years, R/o Village-Nawagaon(Babunawagaon), Police Station and Tahsil-Chuikhadan, District- Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station-Chuikhadan, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Roop Naik, Advocate.
For State/respondent	: Mrs. Hamida Siddiqui, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

19/07/2021

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.47/2018 registered at Police-Station-Chuikhadan, District-Rajnandgaon(C.G.) for the offence punishable under Sections 363, 366, 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. No case is made out against the applicant according to the statement given by prosecutrix under Section 164 CrPC. This statement itself shows that the applicant

and the prosecutrix both have married and they are having a child, therefore, 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 was below 16 years on the date of incident, therefore, her consent or willingness is immaterial, therefore, the application be rejected.
4. The minor presecutrix is virtually present before this Court through the 'Help Desk' of DLSA, Rajnandgaon 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 on pretext of marrying her and he performed a sham marriage with her and then continuously had physical relation because of which she became pregnant and has given birth a child. Hence, this case.
7. Considered on the submissions and the facts present in the case and also the statement of no objection made by the complainant side, as it is stated in the statement that the applicant and the prosecutrix both are married and the prosecutrix is residing with her in-laws, hence, under these circumstances, 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)

Judge

Nisha