

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3968 of 2021**

Suresh Yadav, S/o. Shri Harichand Yadav, aged about 24 years, R/o. Borid,
P.S. Arang, District Raipur Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station Palari,
District Baloda Bazar Bhatapara Chhattisgarh.

---- Respondent

For Applicant : Mr. S.S. Baghel, Advocate
For Respondent/State : Mr. Anil Tripathi, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

22/07/2021

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.100/2021, registered at Police Station – Palari, District – Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4, 18 & 6 of the POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 20.03.2021. The prosecutrix in this case was not minor on the date of incident. The ground of minority shall be challenged in the trial. Statement of the prosecutrix under Section 164 of Cr.P.C.

reveals that there had been clearly a love affair and it was at the instance of the prosecutrix, the applicant took her with him and married her and cohabited together, which was consensual. Therefore, there is no case present against the applicant. Hence, it is prayed that the applicant may be enlarged on regular 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 on the date of incident, the prosecutrix was minor of age below 18 years, therefore, her consent or willingness is immaterial. Therefore, the application be rejected.
4. Complainant Melaram Yadav is present virtually before this Court on notice through the Help Desk of this Court and he has objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, this applicant abducted the minor prosecutrix of age about 17 years and 7 months, kept her in his custody and also had physical relation with her on pretext of marrying her, until the prosecutrix was recovered by the police.
7. Considered on the submissions. After taking into consideration, the statement of the prosecutrix under Section 164 of Cr.P.C. and other facts and circumstances of the case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram