

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.3475 of 2021

- Amit @ Sonu Yadav S/o Shiv Yadav Aged About 20 Years R/o Kundrapara, Tifra, P.S. Sirgitti, District Bilaspur (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, P.S. Sirgitti, District Bilaspur (Chhattisgarh)

---- Non-applicant

For Applicant : Mr. Sumesh Bajaj, Advocate.

For Non-applicant/State : Mr. Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

22-07-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 12.02.2021, in connection with Crime No.513/2020 registered at Police Station— Sirgitti, District- Bilaspur, C.G. for offence punishable under Sections 363, 366 & 376(2)(N) of I.P.C. and Sections 4 and 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The statement of prosecutrix under Section 164 of Cr.P.C. discloses the affair of the prosecutrix with the applicant and their performance of marriage. The applicant and the prosecutrix came to know about the F.I.R. lodged, therefore, both of them came back and then applicant surrendered before the police. Therefore, it is prayed that this applicant may be

granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submissions made by learned counsel for the applicant and submits that the statement of the victim shows that she was forcefully abducted and subjected to sexual intercourse, therefore, it cannot be said to be a case of consent. Further, the prosecutrix was minor on the date of incident. Therefore, the applicant is not entitled for grant of bail.
4. Complainant- Manju Devi Singh is virtually present before this Court through the Help Desk of High Court and she has objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, this applicant abducted the minor prosecutrix, kept her in his custody and has exploited her sexually, knowing well that she was not capable of giving a valid consent. Hence, this case.
7. Considered on the submissions. After taking into consideration, the statement of the prosecutrix under Section 164 of Cr.P.C. and other circumstances present, I feel inclined to allow this application.
8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge