

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.3503 of 2021

- Kirtan Yadav S/o Chetan Yadav Aged About 28 Years Residence Of Kadamdodi, Thana Kapu, District Raigarh Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Shyang, District Korba Chhattisgarh

---- Non-applicant

For Applicant : Mr. Vikash Pandey, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-07-2021

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 29.03.2021, in connection with Crime No.07/2020, registered at Police Station— Shyang, District- Korba, C.G. for offence punishable under Sections 363, 366 and 376 of I.P.C. and Sections 3, 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 applicant is in jail since 29.03.2021. The statement of prosecutrix under Section 164 of Cr.P.C. clearly denies about any incident of rape committed by the applicant. Therefore, there is no case present against this applicant. Hence, 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 the learned counsel for the applicant and submits that the prosecutrix was minor and her statement under Section 161 of Cr.P.C. clearly reveals about the offences of abduction of rape against the applicant. Therefore, it is prayed that this application may be rejected.

4. The complainant- Ishwar Yadav is virtually present before this Court through the Help Desk of D.L.S.A. Korba and he has no 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, who was of age below 15 years, kept her in his custody and also had physical relation with her, knowing well that she was not capable of giving a valid consent. Hence, this case.
7. Considered on the submissions. Taking into consideration, the statement of prosecutrix under Section 164 of Cr.P.C., 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