

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4009 of 2021

- Laxman Yadav @ Ritik, S/o Mukesh Yadav, Aged About 25 Years, R/o. Model Town, Bombay Awas Supela, Police Station Supela, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through - Station House Office, Police of Police Station Supela, District Durg Chhattisgarh., District : Durg, Chhattisgarh

----Non-applicant

For Applicant – Ms. Smriti Shrivastava, Advocate on behalf of Mr. Jitendra Gupta, Advocate.

For Non-applicant/State – Mr. Anil Tripathi, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-07-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 27-03-2021 in connection with Crime No.119/2021 registered at P.S. - Supela, District Durg, Chhattisgarh for the offence under Section 363, 366, 376 (2) (ढ) of the IPC and Section 4 and 6 of Protection of Children from Sexual Offences Act.
2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. The prosecutrix was not minor. Her statement under Section 164 of the Cr.P.C. reveals about her affair with the applicant. Therefore, it was a case of consensual relationship. Hence, it is prayed that the applicant be granted bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor, therefore, her consent is immaterial. Hence, the application may be rejected.
4. The prosecutrix is virtually present through Help Desk of the High Court. She 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 of age below 18 years, kept her in his custody and also exploited her sexually until she was recovered by the police.
7. Considered on the submissions. After considering on the statement of the prosecutrix under Section 164 of the Cr.P.C. and also the statement of no objection made by the prosecutrix herself before this Court, 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