

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5395 of 2021

- Sahil Yadav @ Lukky S/o Guddu, Aged About 24 Years, R/o Behind Sharda Mandir, Nayapara, Sirgitti, Bilaspur, Police Station Sirgitti, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station - Station House Officer, Sirgitti, District Bilaspur, Chhattisgarh.

----Non-applicant

For Applicant – Mr. Satyendra Srivas, Advocate.

For Non-applicant/State – Ms. Shivali Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-09-2021

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 22-05-2021 in connection with Crime No.222/2021 registered at P.S. - Sirgitti, District Bilaspur, Chhattisgarh for the offence under Section 366, 376(2)(n), 312, 315 of the IPC and Section 4 & 6 of POCSO Act, 2012.
2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 22-05-2021. The prosecutrix has been examined in the trial and she has not supported the prosecution case in any respect, therefore, there is nothing left against this applicant. Hence, it is prayed that the applicant be granted bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. The complainant had virtually present before this Court on 24-08-2021 on notice and he had no objection in grant of bail to this 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 and then on pretext of marrying her he sexually exploited her on number of occasions, because of which she became pregnant. Subsequent to which, the applicant forcibly administered some medicine to cause abortion of the pregnancy of the prosecutrix. Hence, this case.

7. Considered on the submissions. Perused certified copy of the deposition of the prosecutrix which is filed along with this application and it is found that the prosecutrix has not supported the prosecution case. Hence, looking to this development, 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