

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6292 of 2021

- Aniket Yadav S/o Ramdin Yadav, Aged About 20 Years, R/o Village Pota, Police Station Maalkharoda, Permanent Address Piparpara Kohadiya District Korba Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police of Police Chowki CSEB, Police Station Kotwali, Korba District Korba Chhattisgarh

---- Non-applicant

For Applicant – Smt. Mandavi Bhardwaj, Advocate.

For Non-applicant/State – Shri Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-09-2021

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 20-03-2021 in connection with Crime No.193/2021 registered at Police Station - Police Chowki CSEB, Police Station Kotwali, Korba District Korba, Chhattisgarh for the offence under Section 363, 366(A), 376 of the IPC, Section 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 20-03-2021. Charge sheet has been filed. The statement of the prosecutrix under Section 164 of Cr.P.C. reflects that she and the applicant both had love affair and she had willingly gone, resided and had physical relation with the applicant. The prosecutrix was not minor on the dated of incident. Therefore, there is no case present against this applicant. Hence, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was of age below 18 years, therefore, her

consent and willingness is immaterial. Hence, the application may be rejected.

4. The prosecutrix is virtually present through the Help Desk of DLSA Korba on notice. 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, it is alleged that, this applicant abducted the minor prosecutrix, kept her in his custody for some time and then had physical relation with her knowingly that she is minor and incapable of giving consent. The prosecutrix also happens to be a member of Scheduled Castes. Hence, this case.

7. Considered on the submissions. Looking to the statement of the prosecutrix under Section 164 of the Cr.P.C. and the circumstances that are 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