

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6041 of 2021**

Jawahir Prasad Yadav S/o Rambhajan Yadav Aged About 33 Years R/o Village- Navdiha, P.S. Chandni, Biharpur, District- Surajpur, Chhattisgarh.

Note- Police Station and District wrongly mention in impugned order.

---- Applicant**Versus**

State Of Chhattisgarh Through- Police Station-Raghunathnagar, District-Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Akath Kumar Yadav, Advocate.
For the Respondent/State	:	Shri Ajay Kumrani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****14.09.2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.39 of 2021, registered at Police Station – Raghunathnagar, District – Balrampur Ramanujganj, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 (2)(n) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 10.5.2021 and has been falsely implicated in this case. The prosecutrix has not made any statement against this applicant. Hence, there is no case against the applicant, it is prayed that the applicant be enlarged

on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the statement of the prosecutrix under Section 161 of the Cr.P.C. is clearly against this applicant and further, the prosecutrix was minor of age below 15 years. Hence, he is not entitled for grant of regular bail.

4. Complainant – Rajnarayan physically present before this Court on notice. He made a statement that he has no objection in grant of bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, the sister of the minor prosecutrix was earlier married to the applicant, who has died during delivery of a child. Subsequent to that, the applicant started expressing his love for the minor prosecutrix and then, he abducted her, kept her in his own custody and exploited her sexually more than one occasions, knowing well that she is not competent to give such consent regarding which, the FIR has been lodged.

7. Considered the submissions and the facts present in this case. Looking to the statement of the prosecutrix under Section 164 of the Cr.P.C. and also looking to the statement of no objection made by the complainant side, I feel inclined to grant regular bail to the applicant in this case.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that 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 trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge