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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5972 of 2021**

Ram Balak Yadav, S/o. Nageshwar Yadav, aged about 23 years, R/o. Village Jainagar, Kamla Bari, P.S. Jainagar, District Madhubani (Bihar). Presently R/o. In-front of Stadium, Near Alankar Hotel, P.S. Chakradhar Nagar, Raigarh, Tahsil and District Raigarh Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station Chakradharnagar, District Raigarh Chhattisgarh.

---- Respondent

For Applicant : Mr. Hari Agrawal, Advocate

For Respondent/State : Mr. Anil Tripathi, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**13/09/2021**

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.61/2021, registered at Police Station – Chakradharnagar, District – Raigarh (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 & 6 of Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 25.07.2021. The prosecutrix has made contradictory

statement under Section 164 of Cr.P.C. telling totally a different story that she herself left her parental home and intended to go to Asam but by mistake she went to Hyderabad, where she found work and stayed for one and half years until she was recovered by the police, therefore, there is no allegation present against this applicant in this statement. Hence, it is prayed that the applicant may be released 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 age of the prosecutrix had been below 14 years and further she has made direct allegation against the applicant in her statement under Section 161 of Cr.P.C.. The applicant is resident of Bihar, therefore, in case he is released on bail, he may not be available for trial.
4. Complainant - Rajni Devi is virtually present before this Court on notice, through the Help Desk of D.L.S.A., Raigarh. She has no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, this applicant abducted the minor prosecutrix, took her to Andhra Pradesh, where he kept her in his custody and on the pretext of marrying her, exploited her sexually on numerous occasions.
7. Considered on the submissions. Looking to the statement given by the prosecutrix under Section 164 of Cr.P.C. and also that the complainant side has no objection in grant of bail to the applicant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No.979 of 2021

- Ram Balak Yadav S/o Nageshwar Yadav Aged About 23 Years Resident Of Village - Jainagar, Kamla Bari, Police Station Jainagar, District Madhubani (Bihar), Presently Resident Of Infront Of Stadium, Near Alankar Hotel, Raigarh, Tahsil And District Raigarh, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Chakradhar Nagar, District Raigarh, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Hari Agrawal, Advocate.
For State	:	Mr. Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Office Reference

20-09-2021

Heard.

1. This application under Section 482 of Cr.P.C. has been brought praying for correction of the clerical mistake in the order dated 13.09.2021 in M.Cr.C. No.5972 of 2021.
2. As per the submissions, the crime number mentioned in the first paragraph of the order is 61/2021, whereas the correct Crime number is 61/2020.
3. Learned State counsel has no objection.
4. Considering that it is a clerical mistake committed in the order passed,

therefore, the prayer for rectification is allowed. It is ordered that in the third line of the first paragraph of order dated 13.09.2021 in M.Cr.C. No.5972 of 2021, the Crime Number mentioned 61/2021 shall now hereinafter be read as Crime No.61/2020.

5. Copy of this order may be made a part of the M.Cr.C. No.5972/2021.
6. Accordingly, the petition is disposed off.
7. Certified Copy today.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika