

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6013 of 2021**

Rajendra Yadav S/o Harinath Yadav Aged About 35 Years Resident Of Village Narmadapur, Mainpat, Police Station Kamleshwarpur, District Surguja Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Lakhanpur, District Surguja Chhattisgarh.

---- Respondent

For the Applicant : Shri J.K. Saxena, Advocate.
For the Respondent/State : Smt. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****21.09.2021**

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.102 of 2021, registered at Police Station – Lakhanpur, District Surguja, Chhattisgarh for the offence punishable under Sections 363, 366, 376(2)(n), 368 and 114 of the Indian Penal Code and Sections 4, 5(tha) & 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 24.7.2021 and has been falsely implicated in this case. No offence under POSCO Act or any offence of rape and abduction made out against this applicant. The only statement is that the main accused and the

prosecutrix both came and resided in his house for sometime, which is not an offence committed on the part of the applicant. Hence, 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 these applicants assisted the main accused in the commission of offences. Hence, no case is made out for grant of bail to the applicant.

4. Notice was issued to the complainant.

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

6. According to the prosecution case, main accused – Shivbelas abducted the minor prosecutrix and then on pretext of marrying, he exploited her sexually, both of them performed marriage and subsequent to that, they came to the house of this applicant and stayed in the house of the applicant until the prosecutrix was recovered by the police. Hence, this case.

7. Considered the submissions and the facts present in this case. Looking to the allegations present against this applicant, I feel inclined to grant 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