

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6175 of 2021

- Rajkumar Yadav S/o Kuwar Singh, Aged About 23 Years, R/o Village Karmada, Police Station- Balodabazar, District Raipur (C.G.), District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station Ganj Raipur, District Raipur (C.G.), District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Hemant Kesharwani, Advocate.

For Non-applicant/State – Shri Sameer Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20-09-2021

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 25-03-2021 in connection with Crime No.423/2019 registered at Police Station - Ganj Raipur, District Raipur, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 25-03-2021. The prosecutrix was a willing and consenting party who herself went and resided with the applicant for some time. Her statement under Section 164 of the Cr.P.C. does not make any allegation of abduction or rape against the applicant. Therefore, there is no case present. Hence, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the statement of the prosecutrix under Section 161 of the Cr.P.C. is clear and categorical against the applicant. Therefore, the application may be rejected.

4. The prosecutrix is virtually present through Help Desk of DLSA Raipur on notice. She has no 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, this applicant abducted the minor prosecutrix, kept her in his custody for a long time during which he continuously exploited her sexually as a result of which she became pregnant.
7. Considered on the submissions. Looking to the statement of the prosecutrix given under Section 164 of the Cr.P.C. and also that she has no objection in grant of bail to this applicant, 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