

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.6238 of 2021

- Jitendra Yadav S/o Santosh Yadav Aged About 25 Years R/o Siroli, P.S. Sarangarh, District Raigarh (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Chowki - Beladula, P.S. Sarsiva District Baloda Bazar- Bhatapara (C.G.)

---- Non-applicant

For Applicant : Mr. Suresh Kumar Verma, Advocate.

For Non-applicant/State : Mr. Amit Kumar Verma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-09-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 07.07.2021, in connection with Crime No.113/2021, registered at Police Station- Chowki- Beladula, P.S. Sarsiva, District- Baloda-Bazar- Bhatapara, C.G. for offence punishable under Section 363, 366, 376 and 34 of I.P.C. and Sections 4 and 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that this applicant has been falsely implicated in this case. The applicant is in jail since 07.07.2021. The prosecutrix was harassed by her own father because of which, she left her house and resided with this applicant. Subsequent to that the applicant has married the prosecutrix and they are living a married life. Therefore, there is no case against this applicant, hence, it

is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix was minor and there is allegation present in the statement of prosecutrix given under Section 161 of Cr.P.C., therefore, the application may be rejected.
4. The prosecutrix is virtually present before this Court through the Help Desk of D.L.S.A. Baloda-bazar and she has no objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. As per prosecution case, there is allegation that this applicant abducted the minor prosecutrix, kept her in his custody and on pretext of marrying her, he had physical relation with her, knowing well that she was not capable of giving a valid consent. Hence, this case.
7. Considered on the submissions. Taking into consideration, the statement given by prosecutrix under Section 164 of Cr.P.C. and the other circumstances 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