

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.6439 of 2021

- Santosh Yadav S/o Rajkumar Yadav Aged About 25 Years R/o Ghumadhand (Navatoli), Police Station- Kunkuri, District- Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station, Police Station- Kunkuri, District- Jashpur, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Shobhit Koshta, Advocate
For Non-applicant/State : Ms. Shivali Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-09-2021

Heard.

1. This is the first bail application filed under Section 439 of the Cr.P.C for grant of regular bail to the applicant who has been arrested on 22.02.2021, in connection with Crime No.24/2021, registered at Police Station-- Kunkuri, District- Jashpur, C.G. for offence punishable under Section 376 (2)(n) of I.P.C. and Section 4, 5(L) and 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The applicant has been in jail since 22.02.2021. The statement of prosecutrix under Section 164 of Cr.P.C. reveals that after the first incident, the prosecutrix had submitted to the applicant for physical relation and an affair developed between them. The marriage negotiation was also in progress but in the meanwhile, when the prosecutrix became pregnant, the applicant went in hiding, because of which the F.I.R. has been

lodged, there is no case present against this applicant. Hence, it is prayed that this applicant may be granted bail.

3. Learned counsel the State/non-applicant opposes the application and submits that there is clear allegation of prosecutrix against the applicant. In the first incident, she was forcibly raped by the applicant. Further, the prosecutrix is also minor, therefore, the application may be rejected.
4. Notice issued to the complainant has been returned served but there is no appearance and no representation.
5. I have heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, on the date of first incident, the applicant forcibly raped the minor prosecutrix, later on the applicant expressed his love for minor prosecutrix then she started submitting to him for physical relation, as a result of which, she became pregnant. After learning about the pregnancy, the applicant went in hiding, hence, F.I.R. is lodged. Hence, this case.
7. Considered on the submissions. Looking to the fact and circumstances present in the case, I am of this view that this applicant should be granted bail during the pendency of the trial.
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