

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C No. 6663 of 2021

Balram Yadav @ Lal Ji S/o Late Shiv Prasad, Aged About 28 Years R/o Gumma Tola, Nawatola, Police Station Gourela, District Gourela- Pendra- Marwahi Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Police Station -Pendra, District : Gaurela-Pendra-Marwahi, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Yogendra Chaturvedi, Advocate.
For State	: Mr. Alog Nigam, GA

Hon'ble Shri Parth Prateem Sahu, J
Order on Board

04/10/2021

Heard.

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.43/2020, registered at Police Station -Pendra, District : Gaurela-Pendra-Marwahi, (C.G.), for commission of offence punishable under Sections 363, 366, 376 of the Indian Penal Code and 4 & 6 of Protection of Children from Sexual Offences Act 2012.
2. Case of the prosecution in brief is that on 26.02.2020 prosecutrix alongwith her sister went to jungle for grassing their goats. At that time, applicant reached there and took minor prosecutrix on motorcycle. When father of prosecutrix returned to his house from market, sister of prosecutrix intimated the incident. Thereafter, report was lodged to concerned police station, based upon which, aforementioned crime is registered against applicant.
3. Learned counsel for the applicant submits that absolutely false and frivolous allegation has been levelled against applicant. He has not committed any offence as alleged against him. Prosecutrix was examined before the Trial court and has not made any allegation against him. She was declared hostile. Applicant is in jail since 01.07.2021, hence, he may be released on bail.

4. Learned State Counsel opposes the submissions made by learned counsel for the applicant and submits that on the date of incident, prosecutrix was below the age of 16 years. Prosecutrix has made specific allegation against applicant in her statement recorded under Section 164 of Cr.P.C.
5. Prosecutrix is present in person, who submits that she is having no objection in grant of bail to the applicant.
6. Heard learned counsel for the parties.
7. Considering the entire facts and circumstances of the case, nature of allegation, evidence of prosecutrix recorded before the Trial Court, without commenting anything on merits of the case, I am inclined to allow this bail application.
8. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on his furnishing a bail bond in sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not, in any manner, tamper with the prosecution witnesses.
 - c) If he is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-