

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C. No.6804 of 2021**

- Gulshan Yadav S/o Ramnarayan Yadav Aged About 23 Years R/o Village Bokrail, Police Station And Tahsil Baloda, District- Janjgir-Champa, Chhattisgarh

**---- Applicant**

***Versus***

- State Of Chhattigarh Through S.H.O. Police Station Ajak Janjgir, District- Janjgir-Champa, Chhattisgarh

**---- Non-applicant**

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|-----------------------------|---|-------------------------------------|
| For Applicant               | : | Mr. Ravindra Sharma, Advocate.      |
| For Non-applicant/State     | : | Mr. Ajay Kumrani, Panel Lawyer.     |
| For prosecutrix/complainant | : | Mr. Vaibhav A. Goverdhan, Advocate. |

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

**Order on Board**

**27-09-2021**

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 11.08.2021, in connection with Crime No.02/2021, registered at Police Station- Ajak Janjgir, District- Janjgir- Champa, C.G. for offence punishable under Section 376(2)(N) of I.P.C. and Section 06 of POCSO Act and Section 3(2)(5) of S.C./S.T. 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 11.08.2021. The material in the investigation itself shows that the prosecutrix was willing and consenting party and that she had love relation with the applicant and the only reason for lodging the F.I.R. is this that the applicant has refused to marry the prosecutrix, 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 prosecutrix was of age below 18 years, therefore, her willingness and consent is immaterial. Therefore, the application may be rejected.
4. Learned counsel representing the complainant and prosecutrix submits that the complainant and prosecutrix both have 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, it is alleged that this applicant got acquainted with the minor prosecutrix, who happens to be a member of Schedule Caste and then on pretext of marrying her, he exploited her sexually on numerous occasions. Ultimately, the applicant refused to marry the prosecutrix. Hence, this case.
7. Considered on the submissions. Looking to the facts and circumstances of the case that are present and also that the complainant and prosecutrix both have no objection in grant of bail to the 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