

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7053 of 2021**

- Ashik Yadav S/o Shri Devari Lal Yadav Aged About 25 Years
R/o Village - Belpara, Police Station - Ratanpur, District -
Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through P.S. Ratanpur, District -
Bilaspur, Chhattisgarh.

---- Respondent

 For Applicant : Shri Dheerendra Pandey, Advocate
 For respondent/State : Shri BL Sahu, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****29.10.2021.**

1. This is 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 15.7.2021 in connection with Crime No.300/2021 registered at Police Station Ratanpur, Distt. Bilaspur (C.G.), for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code, 1860 (for short 'IPC') and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act').

2. Brief facts of the case are that the applicant allured minor prosecutrix prior to one year from the date of FIR that he will marry her. On being influenced by the allurement of the applicant and also on being scolded by the father of the prosecutrix, the minor prosecutrix left her home on 12.7.2021 and went to the

field of their village, where the applicant met with her and they stayed there till night and on seeing the father of the prosecutrix, who came there for searching the prosecutrix, the applicant fled away from the field. Thereafter, the prosecutrix was taken to home by her father. On being reported by mother of the prosecutrix, FIR under Section 363 IPC was registered in Police Station Ratanpur and after investigation charge sheet under Sections 363, 366, 376 of IPC and Sections 4 & 6 of the POCSO Act has been filed in the Court.

3. Learned counsel for the applicant submits that the applicant has not committed the alleged crime, he has not been involved in this case and only on the suspicion and grudge of parents of the victim/prosecutrix, he has been falsely implicated in this case. Even the prosecutrix was not recovered from his possession. He further submits that the victim/ prosecutrix has stated that no sexual abuse has been committed by the applicant with her and she herself left her home. He further submits that the applicant is in custody since 15.7.2021, chargesheet has been filed, there is no chance of tampering the evidence and moreover, conclusion of the trial will take considerable time, hence, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State while opposing the bail application submits that because of allurements on the pretext of marriage by the applicant, the minor prosecutrix left her house and thereafter she was with the applicant. He also

submits that as per the medical report, there is evidence of sexual intercourse committed with the victim/prosecutrix, who is minor, hence, his bail application should be rejected.

5. I have heard learned counsel for both parties and perused the case diary and the material available on record.

6. Considering the facts and circumstances of the case, statement of the witnesses, detention period of the applicant and also considering that charge sheet has been filed, I feel inclined to allow the bail application. Therefore, the application under Section 439 of the CrPC is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs.50,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned for his appearance before the concerned Court as and when directed by the said Court, he be released on bail.

Certified copy as per rules.

Sd/-

(N.K. Chandravanshi)
JUDGE