

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7212 of 2021**

- Ritesh Yadav S/o Late Manharan Yadav Aged About 20 Years R/o Ward No. 15, Belsonda, District Mahasamund, Chhattisgarh

---- Applicant (In jail)**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Khallari, District Mahasamund, Chhattisgarh

---- Respondent

For Applicant	:	Shri Bharat Rajput, Advocate
For Respondent/State	:	Ms Hamida Siddiqui, Dy AG

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board**18.11.2021**

1. Applicant has preferred this application under Section 439 CrPC for grant of regular bail as he has been arrested in connection with Crime No.140 of 2021 registered at Police Station Khallari, District- Mahasamund, Chhattisgarh for the offences punishable under Sections 363, 366A and 354 of the IPC and Sections 7 and 8 of POCSO (Protection of Children from Sexual Offences) Act, 2012.
2. Case of the prosecution is that on 19.08.2021 at about 11.30 am, prosecutrix eloped along with applicant to Banjari Mandir, Chorbhatti and performed marriage on 10.08.2021. During the course of investigation, prosecutrix was recovered from the house of applicant, her statement was recorded, based upon which aforementioned crime is registered against applicant.
3. Shri Bharat Rajput, learned counsel for the applicant would submit that applicant has not committed any offence as alleged against him. He further submits that prosecutrix in her evidence, has categorically stated that

she ran away from her house on account of some quarrel with her brother. She went to her sister's house and on next day she returned back to her house. He placed on record copy of deposition sheet of prosecutrix and her mother. Both of them not supported prosecution case and prosecutrix has stated that due to some quarrel, she herself went to her sister's house, without intimating to any of her family member. Applicant is in jail since 11.08.2021, hence, he may be enlarged on bail.

4. Ms Hamida Siddiqui, learned counsel for the State opposing the submission made by learned counsel for the applicant submits that in the FIR and statement of prosecutrix, it appears that prosecutrix eloped with applicant and thereafter, on the next day, they performed marriage. Hence, there are specific material available on record that applicant eloped prosecutrix. However, when copy of deposition sheet is handed over by learned counsel for the applicant, after going through it she did not dispute the submission of learned counsel for applicant.

5. Prosecutrix and her mother are present through virtual mode through DLSA-Mahasamund. They stated that they are having no objection in granting bail to the applicant.

6. I have heard learned counsel for the parties.

7. Taking into consideration facts and circumstances of the case, nature of allegations, submission made by learned counsel for the applicant that prosecutrix and her mother turned hostile and not supported the case of prosecution, without commenting anything on merits of the case, I am inclined to enlarge the applicant on bail.

8. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail upon furnishing personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one local surety in the like sum to the satisfaction of the Court below concerned on the condition that:

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicant shall not in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE