

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8272 of 2020

- Yogesh, S/o Motiram Jagat, Aged About 23 Years, R/o Village Dhania, P. S. Sipat, District-Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Baloda, District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant : Mr. Ajay Ayachi, Advocate.

For State/respondent : Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

04/01/2021

1. Heard.
2. Admit.
3. As the case diary is available and the counsel for applicant and the State counsel both are agreed to submit argument, therefore, the argument is heard on application.
4. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.119/19 registered at Police-Station-Baloda, Civil & Revenue District-Janjgir-Champa(C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 & 6 of POCSO Act.

5. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. Totally false FIR has been lodged by the uncle of the prosecutrix. The statement given by the prosecutrix under Section 164 CrPC is very clear showing the affair between her and the applicant and also she has not made any statement about having physical relation with the applicant, therefore, no case is made out, hence, the applicant may be enlarged on regular bail.
6. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the prosecutrix has stated in her statement under Section 161 CrPC that the applicant has exploited her sexually on pretext of marrying her on numerous occasions and also that the prosecutrix had been a minor through out the time of this incident, hence, no case is made out for grant of bail.
7. I have heard the learned counsel for both the parties and perused the case diary.
8. As per prosecution case, it is alleged that this applicant abducted the minor prosecutrix and then by keeping her in his custody for some time he exploited her sexually by having physical relation with her.
9. Considered on the submissions and facts of the case and also the statement that has been given by the prosecutrix under Section 164 CrPC and looking to that I am of this view that the applicant should be granted regular bail.
10. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his

furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha