

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7952 of 2020

- Humendra Kumar Yadav S/o Lalshai, Aged About 23 Years, R/o Village Sambalpur P.S. Pinkapara, P.S. Dewari District Balod, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through- Station House Officer, Police Station- Dongarhgaon, District- Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant – Shri Aditya Bhardwaj, Advocate.

For Non-applicant/State – Shri B.P. Banjare, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

05-01-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 20-09-2020 in connection with Crime No.194/2020 registered at Police Station – Dongarhgaon, District- Rajnandgaon, Chhattisgarh for the offence under Section 363, 366, 376(6) of the IPC and Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix was not minor on the date of incident, the applicant will establish the same in defence in the trial. The prosecutrix has given statement under Section 161 of the Cr.P.C. admitting about her affair with the applicant which has resulted in the relationship. Therefore, no case is made out against the applicant. Hence, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix was minor of age below 18 years, therefore, any consent or willingness on her part is immaterial. Her statement shows that she was sexually exploited by the applicant. Therefore, no case is made out for

grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. The case of prosecution is this, that the applicant abducted the minor prosecutrix of age below 18 years and then by keeping her in his custody he has exploited her sexually by having physical relation with her until she was recovered from his custody.

6. Considered on the submissions and the facts of the case. After considering on the statement of the prosecutrix given under Section 161 and 164 of the Cr.P.C. and other circumstances present, I feel inclined to allow this application.

7. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge