

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7713 of 2020**

Rakesh Yadav @ Vaibhav S/o Shri Gulab Yadav, Aged About 22 Years R/o New Shanti Nagar, Durg, District Durg Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through District Magistrate, District Durg Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Avinash Chand Sahu, Advocate.
For the Respondent/State	:	Shri Adil Minhaj, G.A.
For the Complainant	:	Shri Pramod Shrivastava, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****03.03.2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.304 of 2020, registered at Police Station – Mohan Nagar, District – Durg, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 29.9.2020 and has been falsely implicated in this case. The applicant has not committed any offence as it is alleged in the prosecution case. Presently, the charge-sheet has been filed before the Court and the case is

pending for trial. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the statement of the prosecutrix had been clear and categoric against the applicant under Sections 161 and 164 of the Cr.P.C., therefore, no case is made out for grant of bail to the applicant.

4. Complainant – Laxmi Thakur and the prosecutrix are present in person before this Court on notice. They have stated that they have no objection in grant of bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix and then by keeping her in his custody he exploited her sexually knowing well that she is not competent to such consent regarding which, the FIR has been lodged.

7. Considered the submissions and the facts that are present in the case. Looking to the statement of no objection made by the complainant and the prosecutrix, I feel inclined to grant regular bail to the applicant.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that 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 trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge