

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 8305 of 2020**

- Amit Yadav S/o Late Dular Yadav, Aged About 23 Years, R/o Village Kodwa, Ward No.07, Police Chowki Silayari, Police Station Dharsiwa, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Dharsiwa, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

**---- Non-applicant**

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For Applicant – Shri Shivendu Pandya, Advocate.

For Non-applicant/State – Shri Gurudev I. Sharan Govt. Advocate.

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

**Order on Board**

**08-01-2021**

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 03-09-2020 in connection with Crime No.341/2020 registered at Police Station – Dharsiwa, District Raipur, Chhattisgarh for the offence under Section 363, 366, 376 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 is not minor. There had been love affair and relationship between the applicant and the prosecutrix on consensual basis, which is reflected from her statement under Section 164 of the Cr.P.C. Therefore, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor of age about 16 years and 9 months on the date of incident, therefore, any consent or willingness on her part is without any consequence, hence, the case against the applicant is clearly made out and the application may be rejected.

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

5. The case of prosecution is this, that the applicant enticed and abducted the minor prosecutrix on 17-08-2020 on pretext of marrying her. The prosecutrix was then taken to Raipur where the applicant had physical relation with her on number of occasions and marriage was also performed in a temple, subsequent to which, the prosecutrix was recovered on 03-09-2020.

6. Considered on the submissions and facts of the case. Looking to the statement of the prosecutrix that has been given under Section 164 of the Cr.P.C. and other circumstances, 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**