

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8091 of 2020**

Jay Prakash @ J.P.Yadav, S/o. Kapil Muni Yadav, aged about 32 years, R/o. Sasaram, District Rohtas (Bihar). At present R/o. Kamlidipa, Near Railway Crossing, Raigarh, Tahsil and District Raigarh Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through - Station House Officer, Police Station Kotraroad, Civil and Revenue District Raigarh Chhattisgarh.

---- Respondent

For Applicant : Mr. Chandra Kumar, Advocate

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**11/01/2021**

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.166/2019, registered at Police Station –Kotraroad, District – Raigarh (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No such incident has

occurred as it is alleged in the FIR lodged. The prosecutrix was beaten by her parents because of which, she left her house and came in shelter of this applicant, who kept her in his custody for sometime until she was recovered by the police. The applicant is in jail since 24.02.2020. Hence, it is prayed that the applicant may 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 prosecutrix was clearly a minor being of age 15 years at the time of incident and her statement under Section 164 of Cr.P.C. is categorical against this applicant. Hence, this applicant is not entitled for grant of bail.
4. The minor prosecutrix and her mother Tara Bai Sahu both are present before this Court on notice. They have made statement that they have no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. The case of the prosecution is this that this applicant abducted the minor prosecutrix of age 15 years and then by keeping her in his custody continuously for about four months has exploited her sexually.
7. Considered on the submissions and the facts present in this case and also looking to the statement that has been made by the complainant side, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram