

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7622 of 2021**

- Leman Yadav S/o Shri Bharat Yadav Aged About 20 Years
R/o Village Amethi, P.S. Arjuni, District Dhamtari (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh through Station House Officer,
Police Station Arjuni, District Dhamtari (C.G.)

---- Respondent

 For Applicant : Shri Sumit Shrivastava, Advocate
 For respondent/State : Ku. Shivali Dubey, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****10.11.2021.**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 21.02.2021 in connection with Crime No.61/2021 registered at Police Station Arjuni Distt. Dhamtari (C.G.), for the offence punishable under Sections 363, 366 & 376 of the Indian Penal Code, 1860 (for short 'IPC') and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act').

2. Brief facts of the case are that on 15.02.2021 the applicant abducted minor prosecutrix and made physical relation with her on the pretext of marriage. Missing report of the minor prosecutrix has been lodged by father of the prosecutrix in Police Station Arjuni, Distt. Dhamtari and offence under Section 363 IPC

has been registered against unknown person. After recovery of the victim/prosecutrix from the custody of the applicant and due investigation, charge sheet under Sections 363, 366 & 376 of the IPC and Sections 4 & 6 of the POCSO Act has been filed against the applicant.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Father of the prosecutrix lodged missing report against unknown person and the prosecutrix was recovered from the house of her maternal grandparents. He further submits that the victim/prosecutrix and her mother have already been examined before the trial court, wherein they have turned hostile and have not supported the case of the prosecution. The applicant is 20 year old boy and is in jail since 21.02.2021, hence, he may be enlarged on bail.

4. On the other hand, learned counsel for the State while opposing the bail application submits that it is a case of abduction and rape of minor prosecutrix. The trial is going on hence, the applicant is not entitled for grant of bail.

5. The victim/prosecutrix appeared along with her father before this Court through virtual mode from District Legal Services Authority, Dhamtari. The victim/prosecutrix and her father have submitted that they have no objection if bail is granted to the applicant.

6. I have heard learned counsel for both parties, perused the case diary and the material available on record and also the

certified copy of the statement of the victim/prosecutrix and her mother recorded before the trial Court.

7. Considering the facts and circumstances of the case, total hostility of the victim/prosecutrix and her mother before the trial Court, detention period of the applicant, his age and totality of the facts of the case, I feel inclined to allow the bail application. Therefore, the application under Section 439 of the CrPC is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned for his appearance before the concerned Court as and when directed by the said Court, he be released on bail.

Certified copy as per rules.

Sd/-

(N.K. Chandravanshi)
JUDGE