

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8333 of 2020

- Pintu Yadav, S/o Manoj Yadav, Aged About 27 Years, R/o - Ward No. 46, Thagda Nahar Padmanabhpur, Chowki Padmanabhpur, P.S. City Kotwali Durg, Tehsil and District-Durg (Chhattisgarh).

---- Applicant

Versus

- State of Chhattisgarh Throught - District Magistrate, District - Durg (Chhattisgarh).

---- Respondent

For Applicant	:	Mr. Avinash Chand Sahu, Advocate.
For Respondent/State	:	Mr. Gurudev I. Sharan, Govt. Advocate.
For Objector	:	Mr. Shikhar Sharma, Advocate.

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

12/04/2021

1. Heard.
2. Admit.
3. Learned State counsel submits that the case diary is available.
4. Both the counsel have agreed to make their submissions.
5. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.775/2018 registered at Police-Station-Out Post Padmanabhpur, Durg, District-Durg(C.G.) for the offence punishable under Sections 376, 506 of IPC and Sections 6 of POCSO Act, 2012.
6. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated. The applicant has not committed

any offence. He is in jail since 28.9.2018. The complainant side also have no objection in grant of bail to the applicant, hence, it is prayed that he may be enlarged on regular bail.

7. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted, that in the statement of prosecutrix under Section 161 & 164 CrPC, she has made clear allegation against the applicant regarding the commission of offence of rape and threatening, hence, application be rejected.
8. Learned counsel for the complainant submits, that the complainant has no objection in grant of bail to the applicant.
9. I have heard the learned counsel for both the parties and perused the case diary.
10. As per prosecution case, it is submitted that this applicant by putting the minor prosecutrix of age below 16 years under threat committed forceful sexual intercourse on number of occasions, because of which, she became pregnant. After the pregnancy was discovered, the FIR has been lodged.
11. Considered on the submissions. For the reason that the applicant is in jail more than 2 ½ years and also that there is statement of no objection from the complainant side and taking into consideration the circumstances present, I feel inclined to allow the application of this applicant.
12. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha