

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8141 of 2020

- Tirthraj Yadav, S/o Tula Ram, Aged About 22 Years, Resident of Dend Padar, Police-Station-Amali Padar, District Gariyaband (Chhattisgarh) (Detail Has Not Been Mentioned In The Rejection Order Of The Learned Court Below), District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through- Station House Officer, Police-Station-Devbhog, District : Gariyabandh, Chhattisgarh

---- Respondent

For Applicant	:	Mr. S.P. Sahu, Advocate.
For Respondent/State	:	Mr. Adil Minhaj, Govt. Advocate.

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

07/01/2021

Heard.

1. 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.90/2020 registered at Police-Station-Devbhog, Distirct-Gariyaband(C.G.) for the offence punishable under Sections 363, 366 & 376(2)(ॐ)of IPC and Section 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. The statement given by her under Section 164 CrPC reflects the willingness and consent of prosecutrix in the relationship with the applicant, hence, no case is made out

against this applicant, therefore, it is prayed that applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that prosecutrix was of age below 18 years, therefore, she was not competent to give any valid consent, hence, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per prosecution case, it is alleged that the applicant and the prosecutrix both were having affair between them and subsequent to which it is alleged that this applicant abducted the minor prosecutrix and had physical relation with her. The prosecutrix has given statement after her recovery was made by the police. Hence, this case.
6. Considered on the submissions and the facts present in the case. Looking to the statement that has been given by the prosecutrix in this case and other circumstances present, I feel inclined to allow the application of this applicant.
7. 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