

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8946 of 2020**

Bhagwat Yadav S/o Lakhani Yadav, Aged About 30 Years R/o Chingrood,
Police Station Mahasamund District Mahasamund Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through - Station House Officer, Police Station
Rakhi, District Raipur Chhattisgarh.

---- Respondent

For the Applicant : Shri P.K. Patel, Advocate.
For the Respondent/State : Shri B.P. Banjare, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****04.03.2021**

Heard.

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.2 of 2018, registered at Police Station – Rakhi, District – Raipur, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 2.11.2020 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident and she had been a consenting party throughout according to the statement given by her under

Sections 161 and 164 of the Cr.P.C. It is also submitted that the prosecutrix and her father both have sworn an affidavit in favour of the applicant and made appearance before the Sessions Court and made a statement of no objection, which was not considered in the rejection order. Hence, it is prayed that the applicant 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 according to the statement of the prosecutrix, the commission of offences as registered are clearly made out. Hence, no case is made out for grant of bail to the applicant.

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

5. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age below 18 years and then by keeping her in his custody, he ravished her sexually on numerous occasions.

6. Considered the submissions and the documents present in this case. The appearance of the prosecutrix and her father mentioned in the rejection order and also looking to the statement given by the prosecutrix under Section 164 of the Cr.P.C., I feel inclined to grant regular bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge