

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8588 of 2021**

Heera Yadav S/o Ramsukh Yadav Aged About 22 Years R/o
Kurubhat, Police Station Dongargarh, District Rajnandgaon
(Chhattisgarh). **--- Applicant**

Versus

State of Chhattisgarh through the S.H.O., P.S. Dongargarh, District
Rajnandgaon (Chhattisgarh). **--- Respondent**

For the applicant	:	Mr. Keshav Dewangan, Advocate.
For the Respondent	:	Mr. Ajay Kumrani, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri
Order on Board

15.12.2021

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.101/2020 registered at Police Station P.S. Dongargarh, Distt. Rajnandgaon (C.G) for the offences punishable under Sections 376(3), 313 of IPC and section 6 of the Protection of Children from Sexual Offences Act.
2. As per the prosecution case, on 24.02.2020 a written report was lodged against the present applicant that the applicant knowing fully well that the victim was minor committed forcible sexual intercourse with her. Consequently she became pregnant and thereafter the applicant forced her to abort the fetus. When the report was made, this incident came to fore.
3. Learned counsel for the applicant would submit that the victim has been examined before the Court and she has not supported the case of prosecution and completely disowned

the incident. He further submits that even when the prosecutrix along with her father was present before this Court on 01.12.2021 through Video Conferencing, they stated that they have no objection in granting bail to applicant.

4. Per contra, learned State Counsel opposes the bail application.
5. Perused the statement of victim recorded before the Court below wherein she was examined as P.W.1, which prima facie shows that she has not supported the case of prosecution and further before this Court too, when she and her father appeared on 01.12.2021 through video conferencing, they have supported to grant bail. Having considered such statements of the victim, without going into the merits of the case, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**