

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C. No.9180 of 2020**

- Jaydev Yadav S/o Ramdhar Yadav, Aged About 20 Years Residing At Village Tetargudapara Village Bhond P.S. Bastar District Bastar Chhattisgarh

**---- Applicant**

***Versus***

- State Of Chhattisgarh Through The Police Station Bastar District Bastar Chhattisgarh

**---- Non-applicant**

---

For Applicant : Mr. P.K. Tulsyan, Advocate.

For Non-applicant/State : Mr. Kunal Das, Panel Lawyer.

---

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

**Order on Board**

**10-03-2021**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 25.04.2020, in connection with Crime No.74/2020 registered at Police Station-- Bastar, District- Bastar, C.G. for offence punishable under Section 376 of I.P.C. and Section 06 POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant is innocent and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. The relationship of the applicant with prosecutrix was consensual, therefore, no offence is made out against this applicant. Hence, it is prayed that this applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application

and submits that the prosecutrix has clearly alleged the commission of offence of rape by this applicant, in her statement under Section 161 of Cr.P.C., therefore, it is prayed that this application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, the applicant and the prosecutrix were acquainted since the year 2018. The applicant, on pretext of marrying the prosecutrix, used to have physical relation with the prosecutrix on numerous occasion because of which, she became pregnant. When the prosecutrix disclosed about her pregnancy to the applicant, he assured her of marrying her, but then he deserted her, then this F.I.R. was lodged. Hence, this case.
6. Considered on the submissions. Although the prosecutrix is minor according to the entry in the school register but the report of the radiologist shows that her age may be between 16-19 years, therefore, the age of the prosecutrix has been disputed by the applicant side. After considering on the statement of prosecutrix under Section 164 of Cr.P.C. and other circumstances present, I feel inclined to allow this application.
7. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with two local surety each in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
8. Certified copy as per rules.

**Sd/-**

**(Rajendra Chandra Singh Samant)**  
Judge