

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6550 of 2015

1. Om Prakash Yadav @ Jitendra, S/o. Shiv Kumar Yadav, aged about 21 years, R/o. Village Tohda, Thana Newra, Revenue and Civil District – Raipur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Police Station - Newra, District – Raipur (Chhattisgarh)

---- Respondent

For Applicant	: Mr. K.K. Dewangan, Advocate
For Respondent/State	: Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/12/2015

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.306/2014, registered at Police Station – Newra, District – Raipur (C.G.) for the offence punishable under Section 376, 363, 366 of the I.P.C. & Section 4 of the Protection of Children from Sexual Offence Act, 2012.
2. Case of the prosecution, in brief, is that a complaint was lodged by the father of the prosecutrix on 27.10.2014 alleging that her daughter is missing subsequently she was recovered on 23.07.2015 at railway station, Raipur with the applicant. As per prosecution, it is revealed that the applicant has enticed the prosecutrix and took her away and knowing the fact she being the minor has committed sexual intercourse thereby she became pregnant.

3. Learned counsel for the applicant would submit that applicant has been falsely implicated in this case and according to the statement under Section 164, the prosecutrix has performed marriage with the applicant and she was residing at Pune and thereafter, after becoming pregnant she came for delivery to her native place, wherein the applicant was sent to the jail. He would further submit that the applicant is in jail since 27.07.2015, therefore, he prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. I have gone through the statement under Section 164 of Cr.P.C., wherein it is stated that the prosecutrix of her own went alongwith the applicant and performed marriage and thereafter was carrying pregnancy. Having regard to the fact that the applicant performed marriage with the prosecutrix, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge