

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 7118 of 2015**

- Bhupendra @ Golu, S/o Jalesh Yadav, Aged About 18 Years, Caste Yadav, R/o Kudri, Chowki Kotmi Police Station Pendra, District Bilaspur, Chhattisgarh. --- **Petitioner**

**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Marwahi, District Bilaspur, Chhattisgarh.

--- **Respondent**

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| For the applicant  | : | Mr. B.P. Singh, Advocate      |
| For the Respondent | : | Mr. Vinod Tekam, Panel Lawyer |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**21.12.2015**

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.153/2015 registered at P.S. Marwahi, District Bilaspur (C.G) for the offence punishable under Sections 363, 366, 376 of IPC & Section 4 of Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Case of prosecution, in brief, is that the applicant enticed the victim on 22.08.2015 and thereafter took her away on the pretext of marriage and committed sexual intercourse and at the time of incident, she was minor, therefore, the offence is committed.
3. Learned counsel for the applicant submits that the applicant has not committed any crime, in fact, the victim herself accompanied the applicant and no sexual overt act has been

done by him. He referred to the statement of prosecutrix wherein she has not supported the prosecution case and submits that the applicant has been falsely implicated in this case and therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. I have gone through the statement of prosecutrix recorded u/s 164 Cr.P.C., wherein she has not supported the case of prosecution.
6. Having regard to the statement made u/s 164 Cr.P.C., and the fact that the charge sheet has already been filed and the applicant is in jail since 27.08.2015, without observation on merits of the case, I am inclined to release him on bail. Accordingly, this application is allowed.
7. 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 . He is directed to appear before the said Court as and when directed by the said Court.
8. C.c. as per rules.

**Sd/-**

**GOUTAM BHADURI  
JUDGE**