

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6670 of 2015

Sita Ram Yadav, son of Dhanurjai Yadav, aged about 25 years, caste Mahkul, residence of Jhunkajhapar, P.S. Kurdeg, Distt. Simdega (Jharkhand), presently resident of Village Gadakata, P.S. & Tahsil Kunkuri, Civil and Revenue District Jashpur, Chhattisgarh ... **Applicant**

Vs.

State of Chhattisgarh, through Station House Officer, Police Station Kunkuri, District Jashpur, Chhattisgarh ... **Respondent**

For the applicant	:	Mr. C. J. K. Rao & Mr. Harish Khuntiya, Advocates.
For the Respondent	:	Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.12.2015

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No. 74/2015 registered at Police Station Kunkuri, Distt. Jashpur for the offences punishable under sections 366 & 365 IPC.
2. As per the prosecution case, a report was lodged by one Firan Yadav that the applicant is his tenant and on the date of incident when he came from his duty, he saw that his wife and daughter were not in the house and subsequently his wife Bhuvneshwari and daughter Tikeshwari were recovered from Domartola. It was stated that the applicant forcibly took away his wife and daughter to perform marriage. A report was made by husband wherein it is stated that the wife and daughter were abducted by the applicant whereas another report was also filed by the owner of the car that the applicant who is his driver has taken away his car, on which, two different cases were registered.
3. Learned counsel for the applicant submits that it is a case of consent and the victim of her own went along-with the applicant and it is not a

case of forcible abduction. He further submits that the applicant is in jail since 12.10.2015 and looking to the detention, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the statement of victim wherein she has stated that she was not taken forcibly in the car and they roamed here and there and in the intermittent time she went at different places.
6. Taking into statement of the victim and looking to the detention of the applicant, without any observation on the merits of the case, I am inclined to release the applicant on regular bail.
7. Accordingly, this bail petition is allowed and the applicant is directed to be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He shall appear before the trial Court as and when directed by the said Court.

**Sd/-
GOUTAM BHADURI
JUDGE**