

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2971 of 2015**

- Durgesh Yadav S/o Ratan Yadav Aged About 20 years Occupation- Cattle Farming, R/O Daujari, Police-Station Kawardha, District- Kabirdham, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through: District Magistrate, Kabirdham, District- Kabirdham, Chhattisgarh

---- Respondent

For Applicant:
For Respondent/State

Shri Ajit Singh, Advocate.
Shri Neeraj Pradhan, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****30/06/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 40/2015 registered at Police Station Kawardha for the offences punishable under Sections 366, 376 & 450/34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that applicant kidnapped the prosecutrix and committed sexual intercourse with her against her will and, thereby, committed the aforesaid offences.

(3) Counsel for the applicant submits that prosecutrix is the legally wedded wife of applicant as the marriage of the applicant was solemnized with the prosecutrix on 7.1.2015 in the Arya Samaj Mandir, Raipur. He further submits that applicant is in jail since 23.02.2015; and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, learned counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case, further considering the defence of the applicant; and age of the prosecutrix; and the facts that he is in jail since 23.02.2015; charge sheet has already been filed against the applicant; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)

Judge

D/-

