

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5831 of 2015

Purushottam Ram Yadav, S/o. Chitraketu Yadav, Aged About 22 Years,
Occupation Service, R/o. Village Kharkata, Police Station Pathalgaon,
Civil & Revenue District Jashpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station
Pathalgaon, Civil & Revenue District Jashpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vinod Kumar Tekam, Advocate

For Respondent : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.119/2015 registered at Police Station- Pathalgaon, District Jashpur (C.G.) for the offence punishable under Section 363, 366(क), 376(2)(घ) of I.P.C. and Section 3, 4, 5 (ख) (ठ) 6 of the Protection of Children from Sexual Offences and Section 3(1)(7) of S.T./S.C. Act.
2. Case of the prosecution is that on 17.06.2015 the father of the prosecutrix lodged a report to the Police Station Pathalgaon alleging that the prosecutrix was not present in the room and the applicant has abducted his daughter. After investigation the prosecutrix recovered and thereafter the case is registered under the aforesaid sections.
3. Learned counsel for the applicant submits that the prosecutrix actually has in love affair with the applicant and she herself has

went out with the applicant. He further submits that as per the mark sheet and school document, the age of the prosecutrix was 17 years 9 months and 22 days, consequently, she was able to understand. Learned counsel further submits that the prosecutrix has not stated anything of rape in her statement under Section 161 or 164, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having gone through the statement of the prosecutrix under Section 161 wherein she has stated that the applicant has not done any wrong act with her and they have married and further considering the statement of the prosecutrix under Section 164 wherein she also repeated the fact that the applicant has not done any wrong with her and she herself went alongwith the applicant, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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