

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7013 of 2015

Dinkar Yadu, S/o Vijay Yadu, aged about 21 years, Caste Raut, R/o village Basin, Police station Fingeshwar, Revenue District Gariyaband and civil District Raipur(C.G.) ... **Applicant**

Vs.

State of Chhattisgarh, through Police Station Rajim, District Gariyaband, (C.G.).

...

Respondent

For the applicant	:	Mr. Pushpendra Kumar Patel, Advocate.
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.12.2015

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.176/2015 registered at Police station Rajim, Distt. Gariyaband, (C.G) for the offences punishable under sections 376 & 506 of IPC.
2. As per the prosecution case, the applicant used to commit forcible sexual intercourse with the victim on the pretext of marriage for the period from 29.09.2014 to January 2015 and thereafter the prosecutrix became pregnant and delivered a dead infant which was thrown away by the prosecutrix and after the dead infant was found, enquiry was made by the police and the prosecutrix disclosed this fact.
3. Learned counsel for the applicant submits that earlier during the period of illicit relation as also pregnancy time nothing was reported against the applicant and considering the manner in which the offence committed it is a case of consent. He further submits that the applicant is in jail since 18.08.2015 and prays for releasing the applicant on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. I have gone through the case diary statement of the prosecutrix wherein it was stated that after a dead child was born it was thrown away by her and no report was made against the applicant at any point of time.
6. Considering the totality of the facts and circumstances of the case and also taking into the nature of allegations against the applicant and further looking to his detention period as he is in jail since 18.08.2015, without observation on merits of the case for the purpose of bail, I am inclined to release the applicant on 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.
8. Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**