

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7209 of 2015

Yogesh Kumar Verma S/o. Shiv Kumar Verma, Aged about 21 years, R/o. Village Dhabhapar, P.S. Nandghat (Wrongly mentioned as Madhghat) District Bemetara (C.G.) at present R/o. House Makhan Yadav, Tatibandh Basti, P.S. Amanaka, District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Police Station – Amanaka District Raipur (C.G.)

---- Respondent

For Applicant	:-	Mr. C.R. Sahu, Advocate
For Respondent/ State	:-	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 77/2015 registered at Police Station – Amanaka, District- Raipur (C.G.) for the offence punishable under Sections 363, 366 and 376 of IPC and section 4 of Protection of Children from Sexual Offence Act.
2. Case of the prosecution in brief, is that, the applicant enticed the victim who was minor and on the pretext of marriage the applicant took her to different places and there committed sexual intercourse with her and when the prosecutrix was asked to marry with her then the applicant refused marriage with her, therefore, the prosecutrix lodged a report before police station Amanaka for the offence punishable under Sections 363, 366 and 376 of IPC and section 4 of Protection of Children from Sexual Offence Act. Thereby the offence is committed.

3. Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. Counsel for the applicant further submits that the complainant who made the complaint has examined before the Court but she has not supported the case of the prosecution which is evident from the statement of the prosecutrix recorded u/s 164 of Cr.P.C. which is placed on record wherein it is stated that the victim has performed the marriage with the applicant. He further submits that the applicant is in jail since 17.10.2015. Therefore, he may be enlarged on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary. Perusal of the case diary and the statement of the prosecutrix recorded under section 164 of Cr.P.C. which is placed on record wherein it is stated that the victim has performed the marriage with the applicant and living along with the applicant without any problem and she do not want to any action any further against the applicant. Considering the fact for the purpose of bail without any observation on merit, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. 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.

Sd/-

(Goutam Bhaduri)
Judge

