

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5555 of 2015

Yogeshwar Sahu S/o Vijay Kumar Sahu Aged About 20 Years R/o
Village Sonpairi, Police Station Magarlod, Civil And Rev. Distt.
Dhamtari, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Magarlod, District Dhamtari Chhattisgarh.

---- Respondent

For applicant – Shri P.P. Sahu, Advocate.
For Respondent/State – Shri Neeraj Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

26/10/2015

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 151/2015 registered in Police Station Magarlod, District Dhamtari (C.G.) for offence punishable under section 376, 417 of IPC and Section 3(1)(12) & 3(2)(5) of SC & ST (Prevention of Atrocities) Act.
2. As per the prosecution story applicant promised the prosecutrix and on the pretext of marriage committed sexual intercourse many a times, however ultimately refused to marry her, therefore report was made.
3. Learned counsel for the applicant submits that on the date of FIR age of the prosecutrix was 19 years and 8 months. As per mark sheet date of birth is 6/11/1995 and considering statement of the prosecutrix she was consenting party, therefore applicant may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. I have heard learned counsel for the parties.

6. Having regard to the fact age of the prosecutrix on the date of FIR was more than 19 years and considering the statement of prosecutrix without any observation on merit at this stage, this court is inclined to release the applicant on bail.

7. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE