

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5681 of 2015

1. Leelaram Yadu @ Neelkanth @ Dokra Yadu, S/o. Milan Yadu, aged about 19 years, R/o. Village Bhothidih, Thana – Simga, District Baloda Bazar – Bhatapara (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Police Station House Officer – Simga, Post Office – Simga, District Baloda Bazar-Bhatapara (C.G.)

---- Respondent

For Applicant	: Mr. Deepak Jain, Advocate
For Respondent/State	: Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26/10/2015

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.233/2015, registered at Police Station – Simga, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 376, 506 of Indian Penal Code.
2. Case of the prosecution, in brief, is that an FIR was lodged on 10.07.2015 with an allegation that the applicant committed rape on the prosecutrix prior to six months of the lodging of the FIR. Subsequently, when the pregnancy detected, the incident was disclosed to her parents and FIR was lodged under Section 376 and 506 of I.P.C.
3. Learned counsel for the applicant would submit that the age of the prosecutrix is more than 18 years and only because of the pregnancy

was detected, the incident was disclosed to the mother and father, which in turn was reported to the police. Therefore, he prays that the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact that the FIR was made on 10.07.2015 and prior to that medical report shows that prosecutrix has pregnancy of 32 weeks, taking into account the same and considering the fact that the charge sheet has been filed, without any observation on merits, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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