

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2470 of 2016

Vijay Yadav, S/o. Santram Yadav, Aged About 20 Years, R/o. Ward No. 1,
Police Station Nandini Nagar, District Durg, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station
Nandini, District Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. Praveen K. Dhurandhar, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20.06.2016

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.292/2015, registered at Police Station Nandini Nagar, District Durg (C.G.) for the offence punishable under Section 376, 363, 366 of Indian Penal Code and Section 4 & 6 of Protection of Children from Sexual Offences Act.
2. Case of the prosecution, in brief, is that the applicant took away the minor girl/victim from the lawful custody of her mother & father on the allurement of marriage and thereafter committed forceful sexual intercourse on the pretext of marriage. Thereby, the offence is committed.
3. Learned counsel for the applicant would submit that the victim in this case has been examined and she has not supported the case of the prosecution. He relied on the statement of the prosecutrix

and submits that under the facts and circumstances of the case, the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the prosecutrix. Prima facie, it shows that the prosecutrix has not supported the case of the prosecution. Taking into such statement, without any observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the 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.

Sd/-
(Goutam Bhaduri)
Judge