

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2673 of 2016

1. Ganesh Yadav, S/o. Late Sohan Yadav, aged about 27 years, S/o. Shitla Chowk, Mathpara, Post Office-Raipur, Police Station – Tikrapara, Raipur, District- Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Station House Officer, Police Station – Purani Basti, District - Raipur (Chhattisgarh)

---- Respondent

For Applicant	: Mr. Shivendu Pandya, Advocate
For Respondent/State	: Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/06/2016

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.347/2015, registered at Police Station – Purani Basti, District – Raipur (C.G.) for the offence punishable under Section 363, 366, 376 & 376 (2) (ᄁ) of the Indian Penal Code and Section 3, 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 11.12.2015, the applicant took away the prosecutrix/victim from the lawful guardianship of her mother and father and thereafter, committed forceful intercourse and after the report was made, the victim was recovered from the possession of the applicant on 04.01.2016.

3. Learned counsel for the applicant submits that as per the statement of the prosecutrix/victim it revealed that she has performed marriage with the applicant and they are living as husband and wife and she of her own accompanied the applicant, therefore, no offence is made out. He further submits that charge-sheet in this case has been filed and the applicant is in jail since 06.01.2016, therefore, he may be enlarged 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.
6. Perused the statement of the prosecutrix under Section 164 of Cr.P.C. as also the statement made before the Court, wherein she has not supported the case of the prosecution. Considering such statement, 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