

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4219 of 2016**

Rahul @ Monu Yadav, S/o Sohan Lal Yadav, Aged About 21 Years
R/o Silghat, Chowki Kandarka, Police Station Berla, Civil And Rev.
District Bemetara Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Berla, District Bemetara Chhattisgarh.

---- Respondent

For applicant - Shri U.K.S. Chandel, Advocate.
For Respondent/State – Shri Sumit Jhanwar, PL.

Hon'ble Shri Justice Goutam Bhaduri**Order****2/08/2016**

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.38/2016 registered in Police Station Berla, District Bemetara (C.G.) for offence punishable under sections 363, 366 (A), 376 of IPC and Section 5 (a), 6 of Protection of Children from Sexual Harassment Act 2012.
2. As per the prosecution case, on 24/02/2016 missing report was made by father of the girl that from 12/02/2016 her daughter is missing. Subsequently, the girl was recovered on 7/03/2016 from the possession of the applicant and according to the prosecution the applicant enticed away the girl and has committed forceful sexual intercourse.
3. Learned counsel for the applicant submits that the statement of the girl has been recorded, she was aged around 16 years wherein she herself has stated that she forcefully joined the company of the applicant and the applicant has not done anything. It is stated that applicant has not committed any forceful sexual intercourse, therefore the applicant may be

released on bail.

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

5. Perused the statement of the prosecutrix under Section 161 and 164 of Cr.P.C. In statement under Section 164 of Cr.P.C. no allegation have been attributed to this applicant. Considering the same, without further observation on the merits, this court is inclined to release the applicant on bail.

6. 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