

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C. No. 4872 of 2016**

1. Rakesh Yadav, S/o. Saroj Yadav, aged about 26 years, R/o. Village -Padabhat, Police Station – Kharora, Civil and Revenue District – Raipur (C.G.)

----Applicant

**Versus**

1. State of Chhattisgarh, Through : Station House Officer, Police Station- City Kotwali, Baloda Bazar, Civil and Revenue District – Baloda Bazar/Bhatapara (Chhattisgarh)

---- Respondent

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| For Applicant        | : Mr. Janak Ram Verma, Advocate    |
| For Respondent/State | : Mr. Neeraj Jain, Govt. Advocate. |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**23/08/2016**

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.252/2014, registered at Police Station – City Kotwali, Baloda Bazar, District Baloda Bazar/Bhatapara (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and under Section 4, 17 and 18 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant in the month of June, 2014 enticed away the minor girl and on the pretext of marriage committed sexual intercourse. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the girl and the boy was recovered on 14.11.2015 and the statement of the prosecutrix would show that she has performed marriage with the applicant and out of their wedlock a child has also been born, therefore, no case is made out against the applicant, therefore, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application, however, he is not able to dispute the fact that statement recorded under Section 164 of Cr.P.C. contained the fact that the applicant and the prosecutrix has performed marriage and the child is also born.
5. I have heard learned counsel appearing for the parties.
6. Considering the facts and circumstances of the case and taking into the statement of the girl recorded under Section 164 of Cr.P.C., 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