

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4020 of 2016

- Surendra Yadav @ Chiput S/o Ashok Kumar Yadav Aged About 22 Years R/o Keshgawan, Police Station Sonhat, District Korea, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Sonhat, District Koriya, Chhattisgarh.

---- Respondent

For the applicant	: Mr. D.N. Prajapati, Advocate
For the Respondent	: Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.07.2016

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 23/2016 registered at P.S. Sonhat, District Korea (C.G) for the offence punishable under Sections 363, 366(A), 372(2) (ढ) (झ) IPC & Section 5(ढ)/6 of Protection of Children from sexual Offences Act, 2012.
2. As per the prosecution case, the applicant enticed away the prosecutrix who was aged about 16 years and on the pretext of marriage, committed sexual intercourse. The report was made on 12.03.2016 and subsequently the girl was recovered from the possession of the applicant while they were waiting in railway station.
3. Learned counsel for the applicant would submit that the applicant and prosecutrix were neighbors and they have performed marriage which would be evident from the

statement of prosecutrix and the case of rape would not be made out. He further submits that the charge sheet in this case has been filed and the applicant is in jail since 14.03.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. Perused the statement of prosecutrix wherein she has stated that she performed marriage with the applicant. Considering such statement and age of the prosecutrix, without any further observation on merits of the case, I am inclined to release the applicant on bail.
6. Accordingly the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the said Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**