

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 3359 of 2016**

Niranjan Yadav, S/o. Shri Mahendro Yadav, Aged About 19 Years, R/o. Village Kantajhariya, P.S. & Tahsil Gharghoda, District Raigarh, Civil & Revenue District Raigarh, Chhattisgarh.

**---- Applicant**

**Versus**

State Of Chhattisgarh, Through Police Station Lailunga, District Raigarh, Chhattisgarh

**---- Respondent**

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For Applicant : Mr. Manoj Kumar Sinha, Advocate

For Respondent : Mr. Satish Gupta, Govt. Advocate  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**07.07.2016**

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.88/2016 registered at Police Station- Lailunga, District Raigarh (C.G.) for the offence punishable under Section 363, 366, 354 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 02.04.2016 on the pretext of marriage, the applicant took away the prosecutrix who was minor from the lawful guardianship of her mother & father and thereafter took her to Lailunga and they stayed in some room wherein the applicant in the night caught hold of the hand of the prosecutrix/victim and on the next date on asking of the prosecutrix she was allowed to go to her village and after reaching village the report was made.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and the victim was 17 years and she was able to understand her welfare and no sexual overt act has been committed by the applicant which would show the intention of the applicant, therefore, taking into fact that the charge sheet has been filed, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the report and the statement of the victim under Section 161 & 164 of Cr.P.C. wherein it is stated that the applicant caught hold of the hand of the victim. Taking into such statement and the nature of offence and degree of allegation and further considering the fact that the charge sheet has been filed, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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