

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7445 of 2015

Mukesh Yadav S/o. Sukhau Yadav, Aged About 25 Years, R/o Village Maharajpur, Tehsil and District Rajnandgaon Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through, Police Station Lalbagh, Distt. Rajnandgaon Chhattisgarh

---- Respondent

For Applicant	:-	Mr. G.S. Ahluwalia, Advocate
For Respondent/ State	:-	Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

06/01/2016

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. 224/2013 registered at Police Station- Lalbagh, District – Rajnandgan (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and section 3 & 4 of Protection of Children from Sexual Offences Act.
2. Case of the prosecution, in brief, is that on 20.12.2015 a missing report was lodged by the father of the prosecutrix alleging that the applicant enticed the victim who was minor and he took away the prosecutrix to Nagpur, there the applicant committed forceful rape upon her. Subsequently, after the investigation the applicant was arrested by Police and the prosecutrix was recovered from the possession of the applicant.

3. Counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that the prosecutrix performed marriage with the applicant and out of the wedlock in the year 2013 a male child was born. He further relied on the marriage certificate filed along with the application. He further submits that the applicant is in jail since 02.12.2015; therefore, the applicant may be enlarged on bail.
4. Learned State opposes the prayer for grant of bail.
5. Having regard to the statement recorded under section 164 of Cr.P.C. wherein the prosecutrix has stated that she performed marriage with the applicant in the year 2013 and out of the wedlock a male child was also born. Considering the statement of the prosecutrix, without any observation on merit, for the purpose of bail, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on regular 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