

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5343 of 2016

- Bhaiya Lal Yadav S/o Sumar Sai Bargah, Aged About 19 Years R/o Village Ketka, P.S. Surajpur, Civil & Revenue Distt. Surajpur, Chhattisgarh
--- **Applicant**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Udaipur, Civil & Revenue District- Surguja, Chhattisgarh ---
Respondent

For the applicant	:	Mr.Shakti Raj Sinha, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.09.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 45 of 2016 registered at P.S. Udaipur, Civil & Revenue District Surguja (C.G) for the offence punishable under Sections 376(2)(n) of IPC & Section 5(/)/6 of Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a report was made by the prosecutrix that the applicant on the pretext of marriage has sexually exploited the prosecutrix for the period from 2013 to 2016 and thereafter he left the prosecutrix, thereby the offence is committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and the statement of the prosecutrix has been recorded u/s 164 Cr.P.C., wherein no allegations have been attributed to this applicant. It is submitted that the prosecutrix herself came

to the applicant with her friend, therefore, no offence is made out.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statements of prosecutrix u/ss 161 & 164 Cr.P.C., wherein no allegation of rape has been attributed to the applicant.
6. Considering such statements of the prosecutrix and taking into the totality of the facts and circumstances of the case, without any further observations on merits of the case, I am inclined to allow this bail application.
7. 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 trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**