

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5462 of 2016

- Sunil Yadav S/o Bhuneshwar Yadav, Aged About 22 Years
Caste Ahir, R/o Village Baladarpur, Tahsil-Manora, District-
Jashpur Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through Incharge, Police Chowki-
Sonkyari, Police Station Sanna, District-Jashpur Chhattisgarh.
--- **Respondent**

For the applicant	:	Mr. Awadh Tripathi, Advocate
For the Respondent	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15.09.2016

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. 43 of 2016 registered by Police Chowki-Sonkyari P.S. Sanna, Distt. Jashpur (C.G) for the offence punishable under Sections 363, 366, 376 of IPC & Sections 3 & 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a report was made by one Alakhnath Yadav on 6.1.2016 that prior to two months of the incident, his minor daughter was found missing. Subsequently it was revealed that the applicant had kept the daughter and on enquiry the daughter reveals that she was enticed away by the applicant on the pretext of marriage and committed forcible sexual intercourse.
3. Learned counsel for the applicant would submit that the girl of her own went along-with the applicant and as per the statement of the father of the girl, the marriage of the victim

was fixed with the applicant and before the marriage, she started living with the applicant and performed marriage and the girl has also stated that she has performed marriage, therefore, no offence is made out against the applicant.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of the girl u/s 164 Cr.P.C., as also the statement of father of victim Alakhnath Yadav.
6. Considering such statements of the girl and her father, without any observation 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**