

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5761 of 2016

1. Shankar Yadav, S/o. Sarajoo Ram Yadav, aged about 23 years, R/o. Village- Upperpara, Police Station – Abhanpur, District – Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : its Police Station – Abhanpur, District – Raipur, Civil – Revenue District – Raipur (C.G.)

---- Respondent

For Applicant	: Mr. B.L. Sahu, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/09/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.150/2016, registered at Police Station – Abhanpur, District – Raipur (C.G.) for the offence punishable under Section 363, 366 & 376 of Indian Penal Code and U/s. 3 & 4 of PACSO Act.
2. Case of the prosecution, in brief, is that on 09.06.2016 a report was made by the father of the victim that his minor daughter is missing from 07.06.2016. Subsequently, the girl was recovered after one week from the possession of the applicant and on investigation it was revealed that the applicant enticed away the minor girl from the lawful custody of her parents and committed forceful sexual intercourse. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that girl and the applicant they were in love relation and the girl of her own had went along with the applicant and no force was applied by the applicant to commit any sexual intercourse and the age of the victim was near 18 years, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the victim recorded under Section 164 of Cr.P.C. and the medical report, wherein it is opined that no definite opinion can be given regarding sexual intercourse. Considering the statement under Section 164 of Cr.P.C., wherein she has stated that she of her own went along with the applicant and the fact that charge-sheet in this case has been filed, Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge