

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 6267 of 2017**

Ganesh Yadu S/o Bhojram Yadu, aged about 23 years, R/o Karhi Bazar, Police Station Baloda Bazar, Presently residing at village Guma, Police Station Suhela, District Baloda Bazar- Bhatapara, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police Station- Suhela, District Baloda Bazar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	:	Shri G. R. Miri along with Shri Basant Kaiwartya, Advocate
For Respondent/State	:	Shri Garry Mukhopadhyay, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****27/11/2017**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who has been arrested in connection with Crime No. 22/2017 registered at Police Station Suhela, District Baloda Bazar - Bhatapara (CG) for the offence punishable under Sections 363, 366, 376 of IPC and Sections 4, 6, 17 of Protection of Children from Sexual Offences Act. The applicant is in jail since 26.06.2017.

2. The allegation, as per the prosecution, against the applicant is that he is said to have abducted the prosecutrix and kept her in his confinement. During the said confinement, the applicant is said to have ravished the prosecutrix on repeated occasions.

3. Counsel for the applicant submits that the prosecutrix in the instant case is aged around 17 years 4 months and she had voluntarily left her parental home and started residing with the applicant. He further submits

that there was no coercion, pressure or any attack made by the applicant in taking the prosecutrix along with him. Thus, prayed for grant of bail to the applicant.

4. State counsel, on the contrary, opposing the bail application submits that the applicant knowing fully the fact that the prosecutrix was a minor girl aged below 18 years had taken her with him and is said to have had physical relationship with her for a considerable period of time. Therefore, he does not deserve to be released on bail.

5. Having considered the entire facts and circumstances of the case particularly considering the 164 CrPC statement of the prosecutrix as also her age which is 17 years 4 months and the nature of allegation levelled, this Court is of the opinion that prima facie, a strong case for grant of bail is made out.

6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
JUDGE