

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C No. 2090 of 2017

- Prakash Yadav S/o Late Ramsewak Yadav, Aged About 21 Years R/o Village Lohrabhatha, Vidhansabha Raipur, Tahsil & District Raipur, Chhattisgarh. --- **Appellant**

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Vidhansabha, Raipur, District Raipur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Sanjay Agrawal, Advocate
For the State	:	Mr. Vivek Sharma, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12.06.2017

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. 129 of 2015 registered at P.S. Vidhansabha, Distt. Raipur (C.G) for the offence punishable under Sections 363, 366, 376 of IPC and sections 3 & 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a report was made by Dayalu Ram Verma, father of victim, that the present applicant has enticed away the minor girl on the pretext of marriage from their lawful custody and committed sexual intercourse, therefore, committed offence.
3. Learned counsel for the applicant would submit that the victim and prosecutrix had love affairs and the applicant has performed marriage with her and out of the wedlock, a child was also born and there is no evidence to the effect that the vicrim girl was minor on the date of incident. He further

submits that the applicant is in jail since 10.02.2017 and he may be released on bail.

4. On the other hand, learned State Counsel opposes the prayer.
5. Perused the statement of victim wherein it is stated that she has married with the applicant and out of the wedlock, a child was also born.
6. Considering such statement of victim and looking to the custody of the applicant as he is stated to be in jail since 10.02.2017, without any further observation on merits of the case, I am inclined to allow this bail application.
7. Accordingly, this bail application is allowed and the applicant is directed to be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court.
8. Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**