

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 2318 of 2017**

Mannu Yadav S/o Puniram Yadav, aged about 18 ½ years, R/o Timarlaga, Saiderra, Police Station and Tashil Sarangarh, District Raigarh, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police Station Sarangarh, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Tarun Dansena, Advocate
For Respondent/State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****05/10/2017**

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. 307/2016 registered at Police Station Sarangarh, District Raigarh (CG) for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 & 6 of Protection of Children from Sexual Offences Act.

2. As per the prosecution case, the applicant is said to have abducted the prosecutrix, a minor girl aged around 16 years and ravished her for a considerable period of time till he was arrested on 30.07.2016.

3. Counsel for the applicant submits that it is a case where the prosecutrix as well as her family members have been examined before the Court below and they have not supported the case of the prosecution and have turned hostile. He submits that the applicant also is a teenager, aged about 18 years and that because of a love affair between the

applicant and the prosecutrix, they had eloped voluntarily with the consent of the prosecutrix. He further submits that the applicant had also married the prosecutrix and they were staying together as husband and wife when the applicant was arrested and that the prosecutrix is still living with the family members of the applicant. Thus, prayed for releasing the applicant on bail.

4. State counsel, however, opposing the bail application submits that it is a case where the prosecutrix as per the Dakhila Kharij Register was aged about 15 years and some months and she was admittedly a minor at the time of incident. Therefore, even if there was a consensual relationship, the same may not be of any assistance to the applicant. Thus, prayed for rejection of the bail application.

5. Considering the age of the present applicant and also taking note of the statement of the prosecutrix as well as her family members recorded during the course of trial, this Court is of the opinion that prima facie a fit 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**