

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4772 of 2017**

- Santosh Yadaw S/o Pooran Yadaw, Aged About 20 Years R/o Ektanagar, Ward No. 10, Simga, Police Station Simga, District (Revenue & Civil) Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through : Police Station Simga, District (Revenue & Civil) Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Sumit Jhawar, Advocate
For Respondent-State	:	Shri SRJ Jaiswal, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****20/11/2017**

1. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 25.01.2017 in connection with Crime No. 29/2017 registered at Police Station Simga; District (Revenue & Civil)- Balodabazar-Bhatapara (CG) for the offence punishable under Sections 363, 366 & 376 of the I.P.C. and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a report was lodged by the father of the prosecutrix, who was a minor, that the applicant enticed away the minor girl from their possession and on the pretext of marriage committed sexual intercourse.
3. Learned counsel for the applicant submits that the prosecutrix was in love relation with the applicant and she herself had went along with the applicant

and on the date of incident she was more than 17 years, therefore, no offence is made out against the applicant and he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statements of the prosecutrix as also the mother and also the school register, wherein it appears that the prosecutrix is more than 16 years. Taking into consideration the totality and the background of this case, I am inclined to release the applicant on bail.
6. Accordingly, the 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 trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri

Judge

Ashu