

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5086 of 2017

1. Jai Prakash Yadav S/o Harihar Yadav, Aged About 47 Years
R/o Basan Tal, P.S. Narayanpur, District Narayanpur
Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through Station House Officer Police
Station Narayanpur, Distt. Narayanpur (Chhattisgarh)

---- Respondent

For Applicant
For Respondent/State

Shri Awadh Tripathi, Advocate
Ms. K. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

30/11/2017

1. Heard.
2. The applicant has preferred this application filed under Section 439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with crime No.17/2017 registered in Police Station Narayanpur, Dist. Narayanpur for offence punishable under Sections 376 & 493 of the Indian Penal Code; Sections 3 & 4 of the Protection of Children from Sexual Offences Act, 2012; and Section 3 (2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. The applicant is the father of one Mukesh Yadav, who committed forcible sexual intercourse with the prosecutrix

when she was less than 18 years of age. When the incident was reported to the applicant, he coaxed the parents of the prosecutrix to keep quiet so that the matter can be settled within the community. After some time, when it was known that the prosecutrix is carrying pregnancy, the applicant brought her to his house and treated her well. She later on delivered a baby girl. As soon as the prosecutrix attained the age of 18 years, she was ousted from the house.

4. Learned counsel appearing for the State would oppose the bail application.
5. Considering the facts and circumstances of the case; particularly considering the nature of allegation against the applicant and for the fact that it was his son who has satisfied his sexual lust by performing sexual intercourse with the prosecutrix; further considering the fact that the applicant has not misbehaved or harass the prosecutrix during the period when she was in his house; and also considering the fact that the applicant is in detention since 17-7-2017, this Court is inclined to release the applicant on bail. Accordingly, the application is allowed and the applicant is directed to be released on bail on executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount 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/-

Judge

Prashant Kumar Mishra

Gowri