

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5222 of 2017

Santosh Yadav @ Batu S/o Naresh Kumar Yadav Aged About 19 Years
R/o Indira Nagar Ward- 06 Supela, Police Station Supela, District Durg,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through: Police Station Supela, District - Durg
Chhattisgarh.

---- Respondent

For Applicant : Mr. Ravi Bhagat, Advocate

For Respondent : Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

24/11/2017

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 in connection with Crime No. 302/2017 registered at Police Station- Supela, District Durg (C.G.) for the offence punishable under Sections 363,366,376 of the IPC and Section 18 of the Protection of Children From Sexual Offences of Act, 2012.
2. As per the prosecution case, the prosecutrix is a minor who has been kidnapped by the applicant for forcing her to marry.
3. Counsel for the applicant submits that the statement of the prosecutrix recorded under Section 164 of the Cr.P.C. in which she stated that she married with the applicant, therefore, the applicant may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, that the prosecutrix left the house of her own will and visited with the applicant without any instigation and further considering the fact that the applicant is in jail since 17.04.2017, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Ram Prasanna Sharma)
Judge

Santosh