

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6196 of 2017**

- Panna Lal Yadav S/o Sundar Lal Yadav Aged About 25 Years R/o Semerchuva, Police Station Jarhagaon, Mungeli, District Mungeli, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through : Station House Officer, Police Station Jarhagaon, District Mungeli, Chhattisgarh.

---- Respondent

For Applicant	:	Shri R.K. Dubey, Advocate
For Respondent-State	:	Shri S.K. Mishra, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****27/11/2017**

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 28.01.2017 in connection with Crime No. 18/2017 registered at Police Station Jarhagaon, District Mungeli (CG) for the offence punishable under Sections 363, 366, 376 of the I.P.C. & Sections 4 & 6 of the Protection of Children from Sexual Offences Act and 3 (1) (B) (B-1) (B-2) & 3 (2) (V) of the SC/ST (Prevention of Atrocities) Act.
2. As per the prosecution case, an F.I.R. was lodged by the father of the prosecutrix that his girl is missing. Subsequently, when the prosecutrix was found, it was revealed that the present applicant enticed away the prosecutrix on the pretext of marriage from the lawful custody of the parents, thereafter, committed forceful sexual intercourse.

3. Learned counsel for the applicant submits that the prosecutrix in this case has been examined before the Court below and she has not supported the case of the prosecution and has submitted that she has performed marriage with the applicant, which would be evident from the statement of the prosecutrix (PW-2), therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the prosecutrix, wherein she has stated that she has performed marriage with the applicant. Considering the same, without any observation on merit, 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