

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7090 of 2017**

- Lalu Yadav S/o Shyam Lal Yadav Aged About 21 Years R/o Village Morga Manjhapara, Chowki Morga, Police Station Bango, Tahsil Katghora District Korba Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Chowki Morga, Police Station Bango, Tahsil Katghora District Korba Chhattisgarh

---- Respondent

For Applicant	:	Shri Ashutosh Shukla, Advocate
For Respondent-State	:	Shri Niraj Sharma, Dy. GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****11/12/2017**

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 06.07.2017 in connection with Crime No. 13/2017 registered by Police Chowki, Morga at Police Station Bango, Korba (CG) for the offence punishable under Sections 376, 313 of the I.P.C., Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Section 3 (2) (v ऋ) of the S.T./S.C. Act, 1989.
2. As per the prosecution case, a report was made on 18.02.2017 by the mother of the prosecutrix that the present applicant forcefully committed sexual intercourse with her daughter, thereafter, when she became pregnant, she was forced to abort the child. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the statement of the prosecutrix has been recorded under Section 164 of the Cr.P.C., wherein she has stated that she wanted to stay with the applicant and nothing has been attributed to the present applicant, 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. I have perused the documents, case-diary and the statements of the prosecutrix recorded under Section 164 & 161 of the Cr.P.C. Considering her statement and the nature of allegation, 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