

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7917 of 2017**

Chandan Yadav, S/o. Lalbabu Yadav, Aged About 22 Years, R/o. Village Paithanpatti, Ward No. 7, Tahsil Manjha, Police Station -Manjhagarh, District Gopalganj (Bihar).

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station Udaypur, District Sarguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sushil Dubey, Advocate

For Respondent/State : Mr. Neeraj Mehta, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**27/02/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.88/2017, registered at Police Station –Udaypur, District – Sarguja (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 3-4 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Prosecutrix willingly accompanied the applicant to visit the applicant's home in Bihar.

Nothing has been done by this applicant. No evidence is available to make out the case against this applicant. The prosecutrix herself has given statement under Section 164 of Cr.P.C. that supports the applicant's case, therefore, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the age of the prosecutrix was 16 years on the date of incident and it is clear case of abduction and rape according to the evidence available on record, hence, the applicant is not entitled for grant of regular bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Brief facts of the case are that the age of the prosecutrix was 16 years on the date of incident. She and applicant eloped and went to Bihar. The prosecutrix was recovered on 26.08.2017 and on the basis of the statement given by her, offence was registered against this applicant.
6. Considered the submissions made and the contents of the case diary. Perused the statement under Section 164 of Cr.P.C.. Considering on the contents of the statement recorded under Section 164 of Cr.P.C., this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram