

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 2546 of 2018**

Yugal Katare S/o Lakhan Katare Aged About 25 Years Village- Arjuni,
Thana- Bhatapara (Gramin), District- Balodabazar-Bhatapara,
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- The Police Station- Thana- Palari,
District- Baloda-Bazar-Bhatapara, Chhattisgarh.

----Non-applicant

For Applicant	:	Mr. Deepak Jain, Advocate
For State	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****09/05/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 293/2015 registered at Police Station Palari, District Balodabazar-Bhatapara, Chhattisgarh for the offence punishable under Sections 363, 366, 368, 376 of Indian Penal Code and under Section 4 of Protection of Children from the Sexual Offences Act, 2012.
2. The present applicant is in jail since 06.03.2018 in connection with the aforesaid Crime number.
3. The allegation against the present applicant as per the case of prosecution is that the present applicant knowing fully well the prosecutrix being a minor is said to have abducted her from her residence and from the lawful guardianship of her parents and has taken her to different places and had kept her in his confinement for a considerable period of time and in between is said to have had physical relationship with the prosecutrix. The missing report was

lodged by the father on 02.10.2015 and the prosecutrix was recovered on 28.03.2016 and the present applicant has only now been arrested on 06.03.2018 i.e. after a period of about 2 years.

4. The contention of the counsel for the applicant is that the prosecutrix and the present applicant were having a love affair and subsequently they have both married each other and they have also got a child born from the relationship and they were happily living together when the police have arrested the present applicant.
5. This fact is not disputed by the State counsel on perusal of the case diary.
6. Given the aforesaid facts and circumstances of the case, this Court is of the opinion that prima facie a strong case has been made out for grant of bail to the applicant. Accordingly, the present application for grant of bail is allowed.
7. It is directed that the 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 Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge