

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4107 of 2018

- Ramkumar Yadav (Bargaha), S/o Mangal Sai, Aged About 22 Years Occupation Labourer, R/o Village Bardodi, P S. Ambikapur, Police Chowki Manipur, Tahsil Ambikapur, District Surguja, Chhattisgarh.

---- Applicant

In Jail

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Ambikapur, (Police Chowki Manipur), Ambikapur, District-Surguja.

---- Respondent

For Applicant	:	Shri Jitendra Shrivastava, Advocate.
For Respondent/State	:	Shri Rahul Tamaskar, P.L.

Hon'ble Shri Pritinker Diwaker, J

Order On Board

02/07/2018

The applicant has filed this application under Section 439 of CrPC for grant of bail as he is in custody since 24.5.2018 in connection with Crime No.247/2018 registered at Police Station – Ambikapur (Police Chowki-Manipur), Distt. Surguja for the offence punishable under Sections 363, 366, 376(2)(n) of IPC and Sections 5 (I)/6 of Protection of Children from Sexual Offences Act, 2012.

02. As per prosecution case, on 23.5.2018 an FIR was lodged by father of the prosecutrix that she is missing, however, the reason assigned for delay was that the prosecutrix had earlier also eloped with

the applicant 2-3 times.

03. Counsel for the applicant submits that the prosecutrix was having affair with the applicant and she lived with the applicant from 2.2.2018 to 23.5.2018. There is no conclusive evidence showing her to be minor on the date of incident and as per school record, she was 17 years and 06 months of age at the relevant time.

04. On the other hand, State counsel opposes the bail application.

05. Heard counsel for the parties and perused the material available on record.

06. Considering the nature of allegations against the applicant and contents of the FIR, without further commenting on merits of the case, I am inclined to release the applicant on bail. Accordingly, the application is allowed. The applicant is directed to be released on bail on his furnishing a personal bond of Rs. 1 lac with one surety for the like sum to the satisfaction of the concerned trial Court for his appearance before it as and when directed.

Sd/

(Pritinker Diwaker)

Judge