NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4279 of 2018

- Ashish Kumar Yadav S/o Late Lakshman Lal Yadav Aged About 30 Years R/o- Village- Barampur, Sarvmangla Nagar, Police Station- Kusmunda, District- Korba, Chhattisgarh. Present Address Bhilai Bazar, House Of Umendi Bai, Out Post- Hardi Bazar, Korba, District- Korba, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Urga, District- Korba, Chhattisgarh.

---- Non-applicant

For Applicant	:	Shri Dharmesh Shrivastava, Adv.
For Respondent	:	Shri Rahul Tamaskar, Panel Lawyer.

Hon'ble Shri Justice Pritinker Diwaker
Order On Board

03/07/2018

1. This is the first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested on 10.1.2018 in connection with Crime No.14/18 registered at Police Station Urga, District Korba (CG) for the offence punishable under Section 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. As per the prosecution case, the applicant committed sexual intercourse with the prosecutrix, a minor girl, on the pretext of marriage.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the offence. He further submits that the applicant was having love affair with the prosecutrix, they had performed marriage and out of their wedlock, they have a male child. He

further submits that the prosecutrix has stated in categorical terms before the Court that her relations with the family members of applicant are cordial and she wants to save the applicant as they wanted to live together. He further submits that there is no conclusive evidence showing the prosecutrix to be minor on the date of alleged incident. Therefore, considering the conduct of prosecutrix, the applicant is entitled to be released on bail.

4. On the other hand, learned State Counsel opposes the prayer for grant of bail.

5. Taking into consideration the facts and circumstances of the case, in particular the nature of allegation levelled against the applicant and conduct of the prosecutrix, but without commenting anything on the merits of case, I am inclined to release the applicant on regular bail.

6. Accordingly, it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one surety in the like sum to the satisfaction of the trial Court concerned. He is directed to appear before the trial Court concerned on each and every date given by the said Court.

7. Certified copy as per rules.

Sd/-
(Pritinker Diwaker)
Judge

roshan/-