

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4758 of 2018**

Sonchand Yadav, S/o. Amarnath Yadav, Aged About 26 Years, R/o.- Village Sundri (Sa), P.S.- Palari, District- Baloda Bazar- Bhatapara, Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For Applicant	:	Mr. C.R. Sahu, Advocate
For Respondent	:	Mr. Neeraj Mehta, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****02/08/2018**

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 in connection with Crime No.45/2017, registered at Police Station- Palari, District – Baloda Bazar – Bhatapara (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act, 2012 and U/s. 3 (2) (V) of S.C. & S.T. Act.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 01.06.2018. No case is made out against him according to the material present in the charge-sheet. The applicant and the prosecutrix in this case have married to each other and the prosecutrix is pregnant and having pregnancy of two months. The age of the prosecutrix was more than 18 years on the date of incident. Hence, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. The allegation against this applicant is this that the applicant abducted the minor prosecutrix and by taking her to Nagpur, he established physical relation on number of occasions, which amounts to commission of offence of rape. The prosecutrix is also member of scheduled tribe. Hence, the offence under Atrocities Act has also been registered.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present on record and on perusal of the statement of the prosecutrix 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 Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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