

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5026 of 2018**

Laxman Naresh Yadav, S/o. Manohar Yadav, Aged About 24 Years, R/o. Bhaishwar, Police Station -Sonhat, District Koriya Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Sonhat, District Koriya Chhattisgarh.

---- Respondent

For Applicants	:	Mr. D.N. Prajapati, Advocate
For Respondent	:	Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

07/08/2018

1. This is the first bail applications 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.35/2018, registered at Police Station- Sonhat, District – Koriya (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3 (2) (v) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 20.03.2018. No case is made out against him according to the material present in the charge-sheet. The age of the prosecutrix is more than 18 years and she on her own willingness, accompanied the applicant and no offence of rape has been committed by this applicant, which is clear from the statement given by the prosecutrix under Section 164 of Cr.P.C. 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. According to the prosecution case, the age of the prosecutrix is below 18 years although she was married. It is alleged that this applicant allured the prosecutrix with false promise to marry her and then abducted her and took her to forest, where he stayed with prosecutrix for four days and both of them went to Patna, where the applicant established physical relation with the minor prosecutrix. The prosecutrix was recovered on 19.03.2018 and she gave statement against this applicant. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering on all the material present in the case diary and on perusal of the statement made under Section 164 of Cr.P.C., it appears that in this statement she has not made any statement about the offence of rape, hence under these circumstances, 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