

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7859 of 2017**

Shubham Yadav, S/o. Shri Surendra Kumar Yadav, Aged About 20 Years, R/o. Telikot, Tahsil and Police Station -Kharsia, District -Raigarh Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Police Station Kharsia, District Raigarh Chhattisgarh.

---- Respondent

For Applicant : Mr. Abhisek Saraf, Advocate

For Respondent/State : Mr. Neeraj Mehta, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**26/02/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.576/2017, registered at Police Station –Kharsia, District – Raigarh (C.G.) for the offence punishable under Section 363, 366 of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out on the basis of the material present in the charge-sheet. Applicant is in jail since 22.11.2017, he is local resident of District- Raigarh and he is

ready to abide by all the conditions imposed for grant of bail, therefore, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that prosecutrix in this case is a minor girl, hence, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Brief facts of the case are that on the date of incident, the applicant allured and enticed away the minor prosecutrix with promise to marry her and then he took her to a village- Sonadulla and the applicant and the prosecutrix stayed in the house of the aunt of this applicant. The victim was recovered on the next day. After lodging of FIR by the father of the prosecutrix, she was recovered from the custody of this applicant, hence this case.
6. Considering the submissions made and the contents of the case diary. Considering the entire material present in the charge-sheet, as the applicant is age of 20 years, and he is local resident of District Raigarh, trial in this case is likely to take sometime, hence for this reason, 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 the Cr.P.C. is allowed.

8. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram