

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8045 of 2018**

- Yuvraj Patel S/o Shyamlal Patel Aged About 24 Years R/o Kurushkera, Police Station- Rajim, District- Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Amlipadar, District- Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Respondent

 For the appellant : Mr. Pushkar Sinha, Advocate

For the respondent/State : Mr. Vivek Sharma, Govt. Advocate

Hon'ble Shri Justice Ram Prasanna Sharma**Order on Board****30-10-2018.**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 13-3-2018 in connection with Crime No. 1 of 2018 registered at Police Station Amlipadar, District Gariyaband (CG), for the offence punishable under Sections 363, 366, 376(20(n) of IPC, Section 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 6 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution is that on 3-1-2018 the appellant on the pretext of marriage took away the prosecutrix to several places and committed sexual intercourse with her and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the prosecutrix has been examined before the trial Court and in the trial Court she has deposed that she was married to applicant and stayed with him at different places. He would further submit that the applicant has been falsely implicated in the instant case, he is in jail since 13-3-2018 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the application for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Looking to the fact that as per version of the prosecutrix she was married to applicant and stayed with him at different places, without further commenting on the merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one local surety in the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules

Sd/-

(Ram Prasanna Sharma)
JUDGE

Raju