

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5093 of 2019**

Yogesh Kumar Sanghre S/o Dhanesh Ram Sanghre Aged About 20 Years
R/o Village- Hathod, Tahsil And Police Station- Balod, District- Balod,
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station- Balod, District- Balod,
Chhattisgarh.

---- Respondent

For the Applicant : Shri Prasoon Agrawal, Advocate.
For the Respondent/State : Shri Arijit Tiwari, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****11.09.2019**

Heard.

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.190 of 2019, registered at Police Station – Balod, District – Balod, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 4, 5 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 4.5.2019 and has been falsely implicated in this case. This applicant has not committed any offence. The prosecutrix was a minor woman and she had been a consenting party. Hence, it is prayed that the applicant be

enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

4. Heard counsel for both the parties and perused the case diary.

5. The prosecutrix went missing on 29.4.2019. Thereafter, the FIR was lodged registering the offence under Section 376 of the IPC. It is alleged that this applicant abducted the minor prosecutrix by making a false promise to marry her and thereafter, while keeping the prosecutrix in his custody the applicant has exploited her sexually on number of occasions. The prosecutrix was recovered from the custody of the applicant on 4.5.2019.

6. On perusal of the statement of the prosecutrix under Section 164 of the Cr.P.C. and also the evidence regarding the age proof which is present in the case-diary, I feel inclined to grant bail to the applicant in this case.

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. In case any default is committed by the applicant/s in appearing

before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi