

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5504 of 2019

- Satish Yadav S/o Yashwant Yadav Aged About 23 Years R/o Village Purai Police Station Utai District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through S H O Police Station Utai District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

 For Applicant : Shri A.C. Sahu, Advocate
 For Respondent/State : Shri B.L. Sahu, Panel Lawyer

Hon'ble Smt.Justice Rajani Dubey
Order On Board

08.11.2019

1. Heard.
2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.249/2019, registered at Police Station Utai, District Durg CG) for the offence punishable under Sections 363, 366, 376/34 of the IPC and Section 5(L), 6, 16 of the Protection of Children from Sexual Offences Act, 2012.
3. As per the case of prosecution, father of the prosecutrix lodged a report that on 13.8.2018 the applicant along with co-accused Manish Kumar Sahu allured his daughter, aged about 17 years on the pretext of marriage and abducted her and taken on his motorcycle to his relatives house at village Kurudhih and committed sexual intercourse with her due to which she became pregnant.

4. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. He submits that the prosecutrix is aged more than 17 years and she herself had gone with the applicant and she was a consenting party. He submits that the applicant is in jail since 15.8.2018 and trial may take some time for its final disposal therefore, the applicant may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, particularly considering the nature of allegations against the applicant and charge sheet has been filed, I am of the opinion that present is a fit case to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
10. Certified copy as per rules. Sd/

(Rajani Dubey)
JUDGE