

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5780 of 2019

- Balgovind Yadav S/o Jhenguri Yadav Aged About 22 Years R/o Narmadapur (Kandraja), Police Station Kamleshwarpur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kamleshwarpur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Applicant : Shri Bharat Sharma, Advocate

For Respondent/State : Shri Anil Tripathi, Panel Lawyer

Hon'ble Smt.Justice Rajani Dubey
Order On Board

07.11.2019

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.33/2019, registered at Police Station Kamleshwarpur, District Surguja(CG) for the offence punishable under Section 376 (2) (ब) of the IPC and Sections 5 (ब), 6 of the Protection of Children from Sexual Offences Act, 2012.
3. As per the case of prosecution, mother of the prosecutrix lodged a report against the applicant that the applicant on the false pretext of marriage, committed sexual intercourse with her daughter, due to which she became pregnant.
4. Learned counsel for the applicant submits that the applicant has not committed any offence. He submits that the prosecutrix is aged

more than 16 years and she was a consenting party, in support of which he has filed the copy of Aadhar Card. He further submits that in her court statement recorded under Section 164 Cr.P.C., the prosecutrix has not supported the case of prosecution. He submits that charge sheet has been filed 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