

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6584 of 2019**

- Lakeshwar Yadav S/o. Late Mayaram Yadav Aged About 19 Years
R/o. Village- Salauni, Balodabazar, District- Balodabazar,
Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant**Versus**

- The State Of Chhattisgarh Through Police Station- City Kotwali,
Balodabazar, District- Baloda Bazar-Bhatapara Chhattisgarh, District :
Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For Applicant : Shri Samir Singh, Advocate.
For Respondent : Shri Anil Tripathi, P.L.
Father of the complainant namely- Kamal Narayan is present before
this Court.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****05/11/2019**

1. Heard on admission.
2. Admit.
3. The applicant has preferred this first bail application under
Section 439 of the Cr.P.C. for grant of regular bail as he is
arrested in connection with Crime No.393/2019 registered at
Police Station City Kotwali, District Baloda Bazar-
Bhatapara(CG) for the offence punishable under Sections
363, 366, 376 of the IPC and Sections 4 and 6 of the
Protection of Children from Sexual Offences Act, 2012.
4. As per the case of prosecution on 11.7.2019, father of the
prosecutrix namely- Kamal Narayan lodged a missing report

of his daughter and on search it is found that the present applicant has taken away her on the pretext of marriage and committed sexual intercourse with her. On the basis of report, offence was registered and the applicant was arrested on 13.7.2019.

5. Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in the present case. He further submits that the prosecutrix herself had left the house and gone with the applicant. He submits that in the statement recorded under Section 164 of Cr.P.C., the prosecutrix has not supported the case of prosecution; the applicant is in custody since 13.7.2019 and trial will likely to take some time, therefore, the applicant may be released on bail.
6. On the other hand, counsel for the State as well father of the complainant oppose the bail application.
7. I have heard learned counsel for both the parties.
8. Considering the facts and circumstances of the case, particularly considering that the prosecutrix in her statement recorded under Section 164 Cr.P.C. has not supported the case of prosecution and the applicant is in jail since 13.7.2019, without further commenting on merit of the case, I am inclined to release the applicant on bail.
9. Accordingly, the application filed under Section 439 Cr.P.C. is allowed.
10. It is directed that the applicant shall be released on bail

on executing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the trial Court for his appearance before the said Court as and when directed till the disposal of the trial.

11. Certified copy, as per rules.

Sd/

(Rajani Dubey)
Judge