

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7474 of 2019**

- Shiva Yadav S/o Mahesh Yadav Aged About 20 Years, R/o Kailash Nagar Ward No. 19 Durg, Police Station Mohan Nagar, District Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : SHO Police Station Nandini Nagar, District Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Avinash Chand Sahu, Adv.
For Respondent/State	:	Mr. Vaibhav K. Agrawal, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****14/01/2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 238/2019 registered at Police Station-Nandini Nagar, District - Durg (C.G.) for the offence punishable under Sections 363, 366, 376 of the IPC and 4, 6 of Protection of Children from Sexual Offences Act.
2. The prosecution story, is that on 02.08.2019 a missing report of prosecutrix was lodged by her father that since 28.07.2019 her daughter is missing and after investigation it is found that present applicant abducted the prosecutrix and took her to different villages and solemnized marriage with her and committed sexual intercourse with her. Thereafter, prosecutrix was recovered from house of the present applicant. Based on this, offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is

innocent and has been falsely implicated in the crime in question. He further submits that the age of the prosecutrix is about 17 years. The applicant is in jail since 04.08.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the prosecutrix is about 17 years old and the applicant is in jail since 04.08.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**