

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7268 of 2021

Manglu Ram Yadav, S/o. Laxman Yadav, Aged About 26 Years, R/o. Chhinari, P. S. Anantpur, District Kondagaon, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Police of Outpost Anantpur, Police Station Makri, District Kondagaon, Chhattisgarh

---- Respondent

For Applicant : Mr. P.K.Tulsyan, Advocate

For Respondent : Mr. Anshuman Shrivastava, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10.12.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.5/2021 registered at Out Post Anantpur, Police Station Makri, District Kondagaon, for the offence punishable under Sections 363, 376(3), 376(2)(n) of Indian Penal Code & under Section 6 of Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a missing report was lodged on 24.01.2021 by the father of the victim that her daughter was missing. On an enquiry, the victim was recovered from the possession of the applicant on 09.02.2021 at Pondicheri. During investigation, it was stated that she was subjected to forceful sexual intercourse against her will by the present applicant.
3. Learned counsel for the applicant would submit that the applicant and the victim both were in love relation and the father of the victim has been examined, he has stated that the age of the girl was 19 years in the month of July. He further submits that the victim has

already been examined, therefore, no further investigation is necessary, as such, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. On 28.10.2021, the prosecutrix/ victim appeared alongwith her father before this Court through video conferencing from DLSA and objection was made with respect to grant of bail.
6. The deposition which is placed on record would show that the prosecutrix has been examined before the trial Court, which shows that she stayed for a considerable period alongwith the applicant. Further the statement of the father of the victim was recorded on 07.07.2021 wherein at para 5 he has stated that the age of the girl is 19 years. Therefore, prima facie taking into such fact and the fact that statement has already been recorded and there is no chance of tempering of evidence, I am inclined to release the applicant on bail. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the 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.

Sd/-
(Goutam Bhaduri)
Judge