

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5870 of 2015

- Satyajeet Lahare, son of Hemlal Lahare Aged About 21 Years, R/o Village Kalle Chowki Birejhar, P. S. Kurud, Civil & Revenue District Dhamtari Chhattisgarh
----- **Petitioner**

Versus

- State Of Chhattisgarh Through : Station House Officer, P.S. Basantpur, Civil & Revenue District Rajnandgaon Chhattisgarh

----- **Respondent**

For the applicant	:	Mr. Krishna Kumar Dewangan, Advocate
For the Respondent	:	Mr.Vivek Singhal, Panel Lawyer,

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.11.2015

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 75/2015 registered at P.S. Basantpur, District Rajnandgaon (C.G) for the offence punishable under Sections 376, 363, 366 of IPC and Section 4 of the Protection of Children from Sexual Offences, 2012
2. As per the prosecution case, the father of the prosecutrix Mukesh Yadav lodged a report in Police Station Banantpur that his daughter was missing and subsequently it came to the notice that she was in possession of the applicant and on false promise to marry, she has been subjected to sexual intercourse by the applicant.
3. Learned counsel for the applicant submits that the prosecutrix was stated to be 16 years of age, her statement was recorded and according to prosecutrix, no offence of rape has been committed. He further submits that the prosecutrix has married to the applicant and they were living together and therefore, no offence is made out as she voluntarily accompanied the applicant. He prays for releasing the

applicant on regular bail.

4. Learned State Counsel opposes the bail application.
5. I have gone through the statement of the prosecutrix recorded under Section 164 Cr.P.C., wherein she has not stated that she was allured to go along-with the applicant and no allegation of rape was present.
6. Taking into consideration the totality of the circumstances and without making any observation on the merits of the case, this Court is inclined to release the applicant on bail. Accordingly, this application is allowed.
7. The applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court . He is directed to appear before the said Court on each and every date given by the said Court.
8. C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**

Rao