

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6001 of 2015

- Shiva Gidhoure, S/o Mewaklal Gidhoure, Aged About 23 Years, R/o Kutcheri Chowk, Jail Road, Ward No. 22, Dongargarh, P.S. Dongargarh, Civil And Rev. Distt. Rajnandgaon Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through P.S. Dongargarh, Distt. Rajnandgaon Chhattisgarh.

---- Respondent

For the applicant	:	Mr. Keshav Dewangan Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01.12.2015

1. This is an application filed under section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant in connection with Crime No. 121/ 2014 registered at Police station Dongargarh, District Rajnandgaon, Chhattisgarh, for the offences punishable under sections 363, 366, 376 of IPC & Section 3, 4 of Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 31.03.2014 the father of the prosecutrix lodged a report that his daughter is missing and during course of investigation, the prosecutrix was recovered and in her statement u/s 161 Cr.P.C., she has stated that the applicant has enticed her, therefore, she eloped with him. Consequently the offence is committed.
3. Learned counsel for the applicant submits that the prosecutrix is more than 16 years of age and she was able to understand the things and the applicant has been falsely implicated in this case. He further submits that in the statement recorded under Section 164 Cr.P.C.,

the prosecutrix has not supported the case of prosecution and therefore, the applicant who is in jail since since 18.4.2015 be enlarged on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. I have gone through the statement of prosecutrix u/s 164 Cr.P.C., wherein the prosecutrix has stated that she was in love with the applicant and she accompanied the applicant. It is also stated that both they were living together as husband and wife and she became pregnant from applicant.
6. Taking into the statement u/s 164 Cr.P.C., which has not supported the case of prosecution and looking to the detention period of the applicant, I am inclined to release him on bail.
7. Accordingly the application is allowed and the applicant is directed to be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He shall appear before the trial Court as and when directed by the said Court.
8. Cc as per rules.

Sd/-
GOUTAM BHADURI
JUDGE