

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6340 of 2015

Kushagra Shriwas @ Golu, son of Lunkaran Shriwas, aged about 24 years, resident of Dadhi, Police Station Dadhi, District Bemetara (C.G).

Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Dadhi, District Bemetara (C.G)

For the applicant	:	Mr. C. K. Sahu, Advocate
For the Respondent	:	Mr. S.R.J. Jaiswal, Panel Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24 .11.2015

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.75/2015 registered at Police station Dadhi, District Bemetara for the offences punishable under sections 363, 366, 376/34 IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 18.08.2015 the complainant Sitaram Sahu lodged a report that his younger daughter, aged about 17 years, went missing since 16.08.2015. On enquiry, it was found that she was allured by the applicant and was taken to Bilaspur. Thereafter, she was recovered from the possession of her father on 22.08.2015. It is alleged that sexual intercourse was committed with the prosecutrix against her will.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He submits that at the instance of the prosecutrix, he accompanied her and the statement recorded u/s 164 Cr.P.C., would reveal such fact. He further submits that

according to the statement u/s 164, nothing has been stated against this applicant, therefore, he may be released on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Having gone through the statement recorded u/s 164 Cr.P.C., wherein it is stated that she has married to the applicant and considering such statement for the purpose of bail as also the fact that the applicant is in jail since 31.08.2015, without any observation on merits, I am inclined to release the applicant on bail.
6. 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 said Court on each and every date to be give by the said Court.
7. Cc as per rules.

Sd/-
GOUTAM BHADURI
JUDGE