

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6572 of 2015

Lakhan Shrivass S/o. Hadu Shrivass @ Nakul, Aged about 24 years, R/o. of Village Tetla, Police Station Pussore, District Raigarh (C.G.)

. ---- **Applicant**

Versus

State of Chhattisgarh, Through: Station House Officer, Pussore, District Raigarh, Chhattisgarh .

---- **Respondent**

For Applicant : Mr. R.N. Pusty, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 150/2015 registered at Police Station- Pussore, District – Raigarh (C.G.) for the offence punishable under Sections 363,366,376 of IPC and sections 4 & 6 of the Protection of Children from Sexual Offence Act, 2012.
2. Case of the prosecution, in brief, that the complainant Kaliram lodged a report before the Police Station Tetla, stating that on 16.08.2015 the applicant eloped with his minor daughter and committed sexual intercourse with the prosecutrix. Thereby the offence is committed.
3. Counsel for the applicant submits that the charge sheet in this case has been filed and the matter has been settled between the complainant and the applicant. He further relies on the affidavit of

the father of the prosecutrix Kaliram who submitted in the affidavit that the matter has been settled and they do not want any further proceedings in the matter and therefore, he may be enlarged on bail.

4. On the earlier date the State counsel was directed to verify the affidavit and the agreement which has been placed on record. State counsel has not submitted his report and replied though the communication was made to the Police but the Police have failed to do the same and the age report of the prosecutrix has not been submitted. It appears that there is deliberate omission on the part of the Police authorities and the case is already pending.
5. Having regard to the fact and perusal of the statement made by the father of the prosecutrix as the compromise has been settled between the parties and the fact that applicant is in jail since 25.09.2015. Considering the fact for the purpose of bail without any observation on merit, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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