

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6789 of 2015

Indrapal Vishwakarma (Lohar) Son of Ram Kumar Vishwakarma (Lohar),
aged about 22 years, r/o Village Parpoda, Out Post Devkar, Thana – Saja,
Distt. Bemetara (C.G) ... **Applicant**

Vs.

State of Chhattisgarh, through Station House Officer, Police Station Saja,
Distt. Bemetara (C.G). ... **Respondent**

For the applicant	:	Mr. Sameer Singh, Advocate.
For the Respondent	:	Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.12.2015

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No. 34/2015 registered at Police Station Saja, Distt. Bemetara (C.G) for the offences punishable under sections 363, 366(A), 376 IPC and Sections 5 & 6 of Protection of Children from Sexual Offences Act.
2. As per the prosecution case, a report was made by the brother of victim that the applicant enticed the victim minor girl and thereafter took her away to different places and committed sexual intercourse with her and the victim was recovered from the possession of the applicant.
3. Learned counsel for the applicant submits that the girl was aged about 17 years and few months and she was able to understand her well being and the applicant has not committed forcible sexual intercourse nor he has enticed the girl. He further submits that the applicant is in jail since 25.02.2015 and looking his detention, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the prayer for grant of

bail.

5. Perused the statement u/s 164 Cr.P.C., wherein it is stated that the prosecutrix has married to the applicant and she went alongwith him and no sexual intercourse was committed.
6. Taking into the statement u/s 164 Cr.P.C., and further looking to the period of detention of the applicant as he is stated to be in jail since 25.02.2015, without any observations on merits of the case for the purpose of bail, I am inclined to release him on bail.
7. Accordingly, this bail petition 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**