

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6402 of 2015

- Anirudh Rajwade S/o Jaikaran Rajwade, Aged About 22 Years,
Caste - Rajwar, Occupation - Agriculture, R/o Village -
Birnidand, Police Outpost - Chendra, Police Station - Jhilmili,
Tahsil & District - Surajpur, Civil District & Revenue District -
Surajpur Chhattisgarh --- **Petitioner**

Versus

- The State of Chhattisgarh Through Out Post In Charge -
Chendra, District - Surajpur Chhattisgarh --- **Respondent**

For the applicant	:	Mr. A. K. Prasad, Advocate
For the Respondent	:	Ms. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07.12.2015

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. 104/2015 registered at P.S. Jhilmili, Distt. Surajpur (C.G) for the offence punishable under Sections 363, 366, 376 IPC & Section 4 of Protection of Children from Sexual Offences Act, 2012.
2. Prosecution case, in brief, is that 17.07.2015 the applicant abducted the prosecutrix on the pretext of marriage and thereafter committed forcible sexual intercourse with her. Subsequently the prosecutrix was recovered from the possession of this applicant.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He referred to the statement of prosecutrix recorded u/s 164 Cr.P.C., and submits that the prosecutrix has not supported the case of prosecution. He further submits that both the applicant and

prosecutrix fell in love with each other and the prosecutrix herself has accompanied the applicant and therefore, no offence has been committed. It is also submitted that the applicant is in jail since 25.07.2015 and looking to the detention of applicant, he may be released on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. I have gone through the statement under Section 164 Cr.P.C., which would show that the prosecutrix has not supported the case of prosecution and she has stated that she wanted to live with the applicant.
6. Having regard to the statement of prosecutrix u/s 164 Cr.P.C., for the purpose of bail and looking to the detention of the applicant, without any observation on the merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the applicant is allowed and 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 trial Court as and when directed by the said Court.
8. C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE