

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.536 of 2015**

Rakesh Sahu @ Golu, S/o Ramlal Sahu, aged about 25 years, resident of Village Lakram, Police Station Ratanpur, Tehsil, Ratanpur, Civil and Revenue District Bilaspur (C.G.)

---- Applicant

Versus

State Of Chhattisgarh through: Station House Officer, Police Station- Katghora, District Korba (Chhattisgarh)

---- Respondent

For Applicant	:	Shri Sandeep Yadav, Advocate
For Respondent/State	:	Shri Satish Gupta, G.A.

Order On Board**10/07/2015**

The applicant is apprehending his arrest in connection with crime number i.e.64/2015, registered at Police Station Katghora, District Korba for the offence punishable under Section 363, 366-A, 120-B/34 of the Indian Penal Code and Section 12 of Protection of Children from Sexual Offences Act, 2012.

2. The case of the prosecution is that the applicant kidnapped the prosecutrix, said to be aged about 17 years along with other co-accused and thereby committed offence.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated and the report has been lodged only on apprehension without verifying the correct facts by the grandfather of the prosecutrix. When the prosecutrix was presented before the Magistrate for recording her statement under Section 164 Cr.P.C., she has clearly stated that she was compelled to marry against her wishes and then she ran away from her house and went to the house of her friend-Ram Gond. The prosecutrix has not involved the applicant in the whole incident nor there is anything to state that the applicant had any role to play in movement from her house to the house of her friend.

4. On the other hand, learned counsel for the State opposes the bail application and submits that though, there is a statement under Section 164 Cr.P.C. recorded by the Magistrate, it is only at subsequent point of time. As girl is less than 18 years of age, prima facie case is made out against the applicant.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the statement of the prosecutrix recorded by the police under Section of 161 Cr.P.C. as also the statement recorded under Section 164 Cr.P.C. before the Magistrate, the application is allowed.

6. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on furnishing a personal bond for a sum of Rs.20,000/ with one local surety in the like sum to the satisfaction of the arresting officer, on the following conditions that:

(I) he shall make himself available for interrogation by a police officer as and when required;

(ii) he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer, *and*

(iii) he shall cooperate with the investigation as and when he is called.

Sd/-

Manindra Mohan Shrivastava
Judge