

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5939 of 2015

Jeetu Mirjha, son of Dhansai Mirjha, aged about 23 years, resident of village & Post Sundari P.S. & Tahsil Palari, Revenue & Civil District Baloda Bazar (C.G).
--- Applicant

Versus

State of Chhattisgarh through Station House Officer Nevra, Revenue & Civil District, Raipur (Chhattisgarh).

For the applicant	:	Mr. Rishi Sahu, Advocate
For the Respondent	:	Mr. Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.11.2015

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. 357/2014 registered at P.S. Nevra, District Raipur (C.G) for the offence punishable under Sections 363, 366, 493, 376(2)(n) of IPC & Sec. 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, the report was lodged by father of prosecutrix on 07.12.2014, thereafter the investigation was started and ultimately the prosecutrix was recovered on 27.5.2015 from the possession of the applicant and according the prosecution, the age of prosecutrix is 17 years at the time of incident and therefore, the offence is committed.
3. Learned counsel for the applicant submits that from the statement of the prosecutrix, it would reveal that she has married to the applicant and both the applicant and prosecutrix were living together in a rented house as husband and wife and subsequently she was recovered by the father and other relatives from the said house. He further submits that virtually the statement of prosecutrix u/s 161 Cr.P.C., would destroy the case of prosecution. He also submits that the applicant is in jail since 27.5.2015 and prays for releasing him on bail.

4. Per contra, learned State Counsel opposes the prayer for bail.
5. The charge sheet in this case has been filed. The statement of prosecutrix would show that she has stated that she eloped with the applicant and thereafter performed marriage and they were living together as husband and wife.
6. Taking into the statement of the prosecutrix and further looking to the period of detention of the applicant, I am inclined to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. 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 said Court on each and every date given by the said Court.
8. C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**