

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6032 of 2015

Ramkumar, son of Aadaram Dhritlahre, aged about 21 years, R/o village Khairwar Kala, P.S. Pandatarai, Distt. Kabirdham (C.G).

--- **Applicant**

Versus

State of Chhattisgarh through the Station House Officer, Police Station Pandatarai, District Kabirdham

--- **Non-applicant**

For the applicant	:	Mr. Ajay Ayachi, Advocate
For the Respondent	:	Mr. Vinod Tekam, Panel Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.11.2015

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. 44/2015 registered at P.S. Pandatarai, District Kabirdham (C.G) for the offence punishable under Sections 363, 366, 368 IPC & Section 4 of protection of Children from Sexual Offences Act.
2. As per the prosecution case, the applicant allured the prosecutrix, took her with him and visited different places along with prosecutrix. On report being made, the prosecutrix was ultimately recovered from the possession of the applicant.
3. Learned counsel for the applicants submit that the charge sheet in this case has been filed and according to charge sheet, the date of birth of prosecutrix is 08.01.1998 and therefore, her age comes to 17 years, six months and few days. He further submits that the statement under Section 164 Cr.P.C., was recorded wherein no allegation of rape has been made against this applicant nor any

allegation was there that he enticed the prosecutrix, therefore, he prays that the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Having regard to the statement under Section 164 Cr.P.C., which shows that the prosecutrix remained with the applicant for a considerable period and went along with him from place to place i.e., Bhilai, Raipur and other places and considering the totality of the facts, without any observation on the merits of the case, I am inclined to release the applicant on regular bail.
6. Accordingly, the bail application 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 on each and every date as may be given by the said court.
7. Cc as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**