

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6150 of 2015

- Vikas Singh Thakur, S/o Laxman Singh Thakur, Aged About 22 Years, R/o Kewdabadi, Bus Stand, Shiva Nagar, Raigarh, District Raigarh (Chhattisgarh)

---- Petitioner

Versus

- State Of Chhattisgarh through -Station House Officer, Police Station City Kotwali, Raigarh, District Raigarh (Chhattisgarh)

---- Respondent

For the applicant	:	Mr. Ashish Gupta, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.11.2015

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. 211 of 2015 registered at P.S. City Kotwali, District Raigarh (C.G) for the offence punishable under Sections 363 & 366, 376 of IPC and Sections 4 & 8 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution version, on 16.03.2015 a report was lodged alleging that the victim was abducted by this applicant and thereafter rape was committed against her will. The victim was subsequently recovered from the possession of applicant at Tata. Subsequently the matter was investigated and the applicant was taken into custody.
3. Learned counsel for the applicant submits that the victim was not allured at the instance of the applicant and she

herself accompanied the applicant and was residing with him at Tata and both the applicant and the victim have performed the marriage. He further submits that according to the statement under Section 164 Cr.P.C., she went to stay alongwith the applicant. He further submits that the charge sheet has already filed and the applicant is in jail since 31.07.2015. He therefore prays for releasing him 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., wherein she has categorically stated that she herself went alongwith the applicant and thereafter performed marriage. Considering the statement made under Section 164 Cr.P.C., and the fact that the charge sheet has already been filed and further looking to the detention period of the applicant, I am inclined to release him on bail.
6. Accordingly, the application 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.
7. C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**