

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5443 of 2015

Pankaj Jamulkar, son of Manmohan Jamulkar @ Manbodh, aged about 22 years, resident of village Gahirabhedi, Thana Gaindatola, Present Address - Sonwali Nagar, Pardi Nagpur (M.H).

---- Applicant

Versus

State of Chhattisgarh Through The Police Station Ambagarh Chowki, District Rajnandgaon (Chhattisgarh).

---Respondent

For the applicant	:	Mr. Aditya Bhardwaj, Advocate
For the Respondent	:	Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.10.2015

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. 190 of 2015 registered at P.S. Ambagarh Chowki, Distt. Rajnandgaon (C.G) for the offence punishable under Sections 363, 366, 376 of IPC and Sections 4 & 8 of the POCSO Act, 2012.
2. As per the prosecution case, on 07.08.2015 the present applicant alongwith other co-accused abducted the prosecutrix and taken her to Nagpur where the applicant, on promise to marry her, committed sexual intercourse with her. Subsequently a report was made and the offence was registered.
3. Learned counsel for the applicant submits that on the date of incident, the age of the prosecutrix was 17 years and 11 months as the date of birth is 09.09.1997 and the prosecutrix having developed love affairs with the applicant she consequently eloped with him.
4. Per contra, learned State Counsel opposes the bail application. However, he is unable to deny the fact that on the date of incident, the age of the prosecutrix was 17 years and 11 months and the prosecutrix has supported the fact that she fell in love with the applicant.
5. Having thus regard to the facts and circumstances of the case, this Court is inclined to release the applicant on bail. Accordingly, this application is allowed.

6. 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.
7. C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

Rao