

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 278 of 2016

Avinash @ Dabu, son of Radheshyam, aged about 18 years, resident of Bazar Khamhariya, P.S. Seepat, District Bilaspur (C.G)...**Applicant**

Vs.

State of Chhattisgarh, through Station House Officer, Police Station Kusmunda, Distt. Korba (C.G). ... **Respondent**

For the applicant	:	Mrs. Indira Tripathi, Advocate.
For the Respondent	:	Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.01.2016

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No.205 of 2015 registered at Police station Kusmunda, Distt. Korba (C.G) for the offences punishable under sections 363, 366, 376 of IPC and Section 3(a), 4 of Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 05.10.2015 a missing report was lodged by Bahoran Lal Patley that the present applicant has enticed his daughter-in-law and took her away from the lawful guardianship of their mother and father. Pursuant to the missing report, search was made by the police and the girl was recovered from the possession of the applicant on 17.10.2015 and he was arrested on 18.10.2015.
3. Learned counsel for the applicant submits that the victim girl and the boy were in love relations and because of the fact that girl was proposed to be married at some place, she eloped with the applicant and performed marriage with him and visited different places with the applicant of her own and the applicant has not

committed any offence.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the statements of the victim girl recorded u/ss 161 and 164 Cr,P.C., wherein she has not supported the case of prosecution.
6. Taking into such statement of the prosecutrix wherein she has not supported the prosecution case and has stated that she performed marriage with the present applicant and he has not committed any offence with her and further considering the fact that the charge sheet in this case has been filed and the applicant is in jail since 18.10.2015, I am inclined to release the applicant on bail.
7. Accordingly, this bail petition 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 as and when directed by the said Court.
8. Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**