

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3054 of 2016

- Deepak Chouhan S/o Suklal Chouhan Aged About 19 Years
R/o Village Amakoni Bade, P.S. Sarangarh, District - Raigarh
Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Police Station Sarangarh,
District Raigarh Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Arvind Sinha, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.06.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.87 of 2016 registered at P.S. Sarangarh, Distt. Raigarh (C.G) for the offence punishable under Sections 363, 366, 506 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, the applicant took away the minor girl from the lawful guardianship of her mother and father on the pretext of marriage and she was taken from Sarangarh to other places and she was made to stay in the house of some of the relatives. Subsequently the applicant called his aunt and went away from the relatives' place.
3. Learned counsel for the applicant submits that the offences u/s 363 & 506 IPC are bailable and only the offence u/s 366 is non-bailable. He further submits that the victim girl is aged about 17 years and she is able to understand her well being and she herself went along-with the applicant as they were

known to each other and no sexual assault was committed.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the statements of the victim girl recorded u/ss 161 & 164 Cr.P.C.
6. Considering the totality of the facts and circumstances and the degree of allegations levelled against the applicant and further taking statements of the victim u/ss 161 & 164 Cr.P.C., as also the fact that the charge sheet in this case has been filed and no further investigation is necessary and further looking to the period of detention of the applicant as he is stated to be in jail since 25.04.2016, I am inclined to release him on bail.
7. Accordingly, the bail 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 shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE