

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2868 of 2016

- Jagtaran S/o Jaitram Ghritlahre Aged About 21 Years R/o Village Gadhidi, Out Post Lavan, Police Station Kasdol, District Baloda Bazar - Bhatapara Chhattisgarh

---- Petitioner

Versus

- State of Chhattisgarh Through Station House Officer, Out Post Lavan, Police Station Kasdol, District Baloda Bazar - Bhatapara Chhattisgarh

--- Respondent

For the applicant	:	Mr. Anil Singh Rajput, Advocate
For the Respondent	:	Mr. Sumeet Jhawar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.06.2016

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. 164/2015 registered at P.S. Kasdol (outpost Lavan), Distt.Baloda Bazar-Bhatapara (C.G) for the offence punishable under Sections 363, 366, 376 IPC & Section 4 of Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a report was made by father of prosecutrix that his minor girl went missing since 06.04.2015. Subsequently the girl was recovered from the applicant, thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the girl was not forcibly taken away by the applicant from the lawful possession of her parents and she of her own accompanied the applicant and performed marriage with him and out of wedlock, one child was also born, therefore, presently no

purpose will be served in keeping the applicant in custody.
He relied on the statement of prosecutrix u/s 164 Cr.P.C., and
prays for releasing the applicant on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement recorded u/s 164 CrPC wherein the prosecutrix has stated that she performed marriage with the boy and out of the wedlock, one child was also born.
6. Considering the such statement of prosecutrix, without any observation on merits of the case, I am inclined to release the applicant 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