

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3687 of 2016

- Mahesh Patel S/O Ram Lal Patel Aged About 23 Years R/O Village - Hardadih, Police - Station - Sipat District - Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. - Kotra Road District - Raigarh Chhattisgarh

---- Respondent

For Applicant : Mr. Chitranjay Singh Patel, Advocate

For Respondent/State : Mr. Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25.07.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 23-04-2016 in connection with Crime No. 90 of 2016, registered at Police Station Kotra Road, Raigarh, District Raigarh (CG) for the offence punishable under Sections 363, 366 and 376 of the IPC and Sections 4 & 12 of the Protection of Children from Sexual Offences Act, 2012.
2. As per prosecution case, on 12-04-2016 a report was made by the complainant Khemanidhi Patel, father of the prosecutrix that on 20-3-2016 the applicant entered the house of the prosecutrix, who was a minor, abducted her and thereafter he committed sexual intercourse with her and she was recovered on 23-4-2016 and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case and the prosecutrix on her own went along with the applicant and they

have performed marriage, therefore, no case would be made out against the applicant. He would further submit that the charge-sheet has been filed in this case, he is in jail since 24-03-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statement of the prosecutrix and also the report of the child welfare wherein it has been stated that the victim has performed marriage with the applicant.
7. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and further considering the statement of the prosecutrix and the report of the child welfare, and without any observation on the merit of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju