

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 3741 of 2016**

- Bhuwan Lal Pade S/o Purushottam Pade Aged About 35 Years  
R/o Village - Farauda, Chowki-Bundeli, Police Station -  
Tendukona, Tahsil - Pithora, District - Mahasamund  
Chhattisgarh --- **Petitioner**

**Versus**

- State of Chhattisgarh Through : Station House Officer, Police  
Station Tendukona, District - Mahasamund Chhattisgarh  
--- **Respondent**

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| For the applicant  | : | Mr. Vikash Pradhan, Advocate   |
| For the Respondent | : | Mr. O.P. Sahu, Govt. Advocate. |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**18.07.2016**

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. 24 of 2016 registered at P.S. Tendukona, Distt. Mahasamund (C.G) for the offence punishable u/ss 363, 366, 376, 323 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, the allegation against the applicant is that he forcibly took away the minor girl of the complainant on his motorcycle and at that time when the complainant resisted from taking the girl, she was assaulted. Subsequently on 29.03.2015, the girl was recovered from the possession of the applicant, thereby the offence is committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the girl was able to understand her welfare as she was aged about 17 years,

therefore, no offence can be attributed to the applicant.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of the girl u/ss 161 & 164 Cr.P.C. In the statement u/s 164 Cr.P.C., it is stated that she was in love affairs with the applicant and she of her own went along-with the applicant and wanted to marry with him. The allegation of rape has also not been made.
6. Considering the totality of the facts and circumstances and taking into statement of the prosecutrix who is aged about 17 years and the degree of allegations levelled against the applicant , I am inclined to allow this bail application.
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**