

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3907 of 2016

Dinesh Ram Lakda, S/o. Ram Prasad Lakda, Aged About 22 Years, R/o.
Hansdand, P.S. Lakhanpur, Distt. Sarguja, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station
Lakhanpur, Distt. Sarguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. Jitendra Shrivastava, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21.07.2016

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 in connection with Crime No.48/2016 registered at Police Station- Lakhanpur, District Sarguja (C.G.) for the offence punishable under Section 363, 366, 376 (2) (a) of Indian Penal Code and Section 3, 4, 5 & 6 of the POCSO Act.
2. Case of the prosecution, in brief, is that a missing report was made by the mother of the prosecutrix on 31.03.2016 that her girl is missing; thereafter, when the girl was recovered on 05.04.2016 at the Bus Stand, on investigation, it was revealed that the applicant on the pretext of marriage has committed forceful sexual intercourse with her despite the fact that she being a minor. Therefore, the offence is committed.
3. Learned counsel for the applicant would submit that the applicant was 17 years of age and she was in love relation with the applicant

and no allegation of rape was attributed in the statement under Section 164 of Cr.P.C., therefore, the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement under Section 164 of Cr.P.C. wherein no allegation of rape has been attributed and it is stated that the applicant and prosecutrix are in love relation. Considering the statement of the prosecutrix, without any observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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.

Sd/-
(Goutam Bhaduri)
Judge