

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4212 of 2016

Vijay Sidar S/o Itwaru, aged about 24 years, R/o Bundelabhatha,
Bhawarpur, Police Station Basna, District Mahasamund (C.G.)

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police of
Police Station-Basna, District-Mahasamund (C.G.)

---- Respondent

For applicant - Shri S.S. Rajput, Advocate.
For Respondent/State – Shri Lav Sharma, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

16/08/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.03/2014 registered in Police Station Out Post Bhawarpur, P.S. Basna, District Mahasamund (C.G.) for offence punishable under sections 363, 366 of Indian Penal Code and Section 18 of Protection of Children from Sexual Offences Act.
2. As per the prosecution case, in the year 2014 the applicant enticed away the minor girl from the lawful custody of her parents on the pretext of marriage and thereafter committed sexual intercourse, thereby offence is committed.
3. Learned counsel for the applicant submits that the applicant and the prosecutrix were in love relation, the prosecutrix of her own had went alongwith the applicant and the prosecutrix has performed marriage with the applicant for which she has failed an affidavit before the court, therefore no offence has been committed. Therefore, learned counsel submits that the applicant may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the statement of the prosecutrix under Section 164 of Cr.P.C. wherein she stated that she has married with the applicant. Considering the facts and circumstances, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE