

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4160 of 2016

- Ganesh @ Chhabi Sahu S/o Ashok Sahu Aged About 22 Years R/o Village Mirgi, Police Station Bhatapara (Gramin), District Balodabazar - Bhatapara Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through Station House Officer, Police Station City Kotwali, Balodabazar (Wrongly Mentioned As Bilaigarh), District Balodabazar Chhattisgarh. - **Respondent**

For the applicant	:	Mr. Sumit Jhawar, Advocate
For the Respondent	:	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.08.2016

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. 135 of 2016 registered at P.S. City Kotwali, Baloda Bazar, Distt. Baloda Bazar (C.G) for the offence punishable under Sections 363, 366, 376 of IPC & Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, the applicant allured and took away the minor girl from the lawful custody of her parents/guardians and committed forcible sexual intercourse with her, for which a report was lodged by the uncle of the victim on 19.04.2016. Subsequently when the girl was recovered, on investigation it was found that the offence is said to have been committed.
3. Learned counsel for the applicant would submit that the applicant was more than 17 years of age and she has performed marriage with the applicant as she was in love

relations with the applicant which would be evident from the statement recorded u/s 164 Cr.P.C., and both they were living together. Therefore, it is prayed that no offence has been committed and the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of victim u/s 164 Cr.P.C., wherein it is stated that the victim has performed marriage with the applicant.
6. Taking into such statement of the prosecutrix, without any observation on merits of the case, 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