

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4228 of 2016

Khilawan Sahu S/o Ganeshu Sahu (Wrongly Mentioned Ganegu In C.C.) Aged About 28 Years, R/o Singhanpuri, P.S. Kawardha, District Kabirdham, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer Kawardha, District Kabirdham, Chhattisgarh.

---- Respondent

For applicant - Shri Ajay Ayachi, Advocate.
For Respondent/State – Shri Lav Sharma, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

22/08/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.181/2016 registered in Police Station Kawardha, Dist. Kabirdham (C.G.) for offence punishable under section 363, 366, 376 of Indian Penal Code and under Section 3 & 4 of Protection of Children from Sexual Offences Act.
2. As per the prosecution case, a report was made by father of the prosecutrix that the applicant took away the minor girl by enticing her away and subsequently the girl was recovered after one month and on investigation it was found that she was forcefully subjected to rape by the applicant and she was recovered from the possession of the applicant. Thereby, the offence is committed.
3. Learned counsel for the applicant submits that the prosecutrix and the applicant were in love relation and the prosecutrix was aged about 17 years and 6 months i.e. near about 18 years and she was able to understand her well being and the way the offence is said to have been committed, it is improbable the girl could not have been forcefully taken to

the other place as they travelled to Nagpur and then to Mumbai and stayed there for a month and the applicant has been falsely implicated, therefore he may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the statement of the prosecutrix. Taking into statement of the prosecutrix under section 161 of Cr.P.C, without further observation on the merits, 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.

Sd/-

(Goutam Bhaduri)

JUDGE