

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4879 of 2016

Devdhan Xalxo, S/o. Ramlal Xalxo, Aged About 24 Years, R/o. Village Halanjur, Police Station Sitaganv, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Kusmunda, District Korba, Chhattisgarh.

---- Respondent

For Applicant : Ms. Nirupama Bajpai, Advocate

For Respondent : Mr. Neeraj Sharma, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24.08.2016

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.75/2016 registered at Police Station- Kusmunda, District Korba (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 3, 4 of Protection of Children from Sexual Offences Act.
2. As per the prosecution case, on 28.05.2016 a missing report was made by the father of the prosecutrix Ramesh Uraon that his daughter is missing. Subsequently, his daughter was found in possession of the applicant on 02.06.2016 and thereafter on investigation it would reveal that the applicant enticed the girl and took her away from the lawful possession of her parents and thereafter on the pretext of marriage has committed sexual intercourse with her.

3. Learned counsel for the applicant would submit that the prosecutrix is aged about 17 years and she was able to understand her well being and she was in love relation with the applicant and she herself has joined the company of the applicant. It is further submitted that the statement of the prosecutrix was also recorded before the Bal Kalyan Samiti wherein no allegation of rape has been attributed against the applicant and in the statement under Section 164 also she has not supported the case of the prosecution, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the victim/ girl recorded before the Bal Kanlayan Samiti as also the statement under Section 164 of Cr.P.C. wherein she has stated that she herself has joined the company of the applicant. Considering such statement and the background of the case, 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