

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 85 of 2016

Mahender Chouhan, son of Mohar Sai, aged about 24 years, R/o Kerju (Kumansiya), P.S. & Tahsil Sitapur, District Surguja (C.G)... **Applicant**

Vs.

State of Chhattisgarh, through Station House Officer, P.S. Kansabel, Distt. Jashpur (C.G) ... **Respondent**

For the applicant	:	Mrs. Indira Tripathi, Advocate.
For the Respondent	:	Mr. Ramakant Mishra, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20.01.2016

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No. 145 of 2015 registered at Police station Kansabel, Distt. Jashpur (C.G) for the offences punishable under sections 363, 366-A, 376 of IPC and Section 3 & 4 of Protection of Children from Sexual Offences Act.
2. As per the prosecution case, the victim who was minor aged about 17 years was enticed and taken away by the applicant on the pretext of marriage and thereafter he committed forcible sexual intercourse with her. Consequently, the victim was found missing on 05.08.2015 and thereafter a missing report was made on 07.08.2015 and ultimately the victim girl was recovered from Pathalgaon on 16.10.2015
3. Learned counsel for the applicant submits that the victim and applicant were in love affairs and they resided together and since one day they were spotted by her sister as such she was put to pressure by her family members, therefore, she was taken away and ultimately she was recovered.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the statement of prosecutrix u/s 161 cr.P.C., wherein she has stated that she went alongwith the applicant of her own and they were known to each other.
6. Considering such statement recorded under section 161 Cr.P.C., and taking into fact that the charge sheet in this case has been filed and the applicant is in jail since 17.10.2015, without any observation on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, this bail petition is allowed and the applicant is directed to be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He shall appear before the trial Court as and when directed by the said Court.
8. Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**