

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4959 of 2016

- Sushant Dehari S/o Late Bihari Dehari Aged About 22 Years
Caste Ganda, R/o Village Khijupali, P.S. Ambabhauna, District
Bargah (Oddisa). **--- Petitioner**

Versus

- State of Chhattisgarh Through The Station House Officer,
Police Station Pussor, Civil & Revenue District Raigarh,
Chhattisgarh. **--- Respondent**

For the applicant	:	Mr. Manoj Kr. Jaiswal, Advocate
For the Respondent	:	Mr. Neeraj Kumar Sharma, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30.08.2016

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. 58/2016 registered at P.S. Pussor, Distt. Raigarh (C.G) for the offence punishable under Sections 363, 366, 376 of IPC & Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, an FIR was lodged alleging that the applicant has enticed away the minor girl from the lawful guardianship of her parents and thereafter he committed sexual intercourse on the pretext of marriage.
3. Learned counsel for the applicant would submit that the prosecutrix was in love relations with the applicant and she herself has joined the company of the applicant and both they have performed marriage, therefore, no offence is made out and the applicant may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.

5. Perused the case diary and the statement of prosecutrix recorded u/s 161 Cr.P.C., as also the statement given before Bal Kalyan samiti wherein it is stated that the prosecutrix has performed marriage and thereafter she started staying with the applicant. Considering her statement, without any further observation on merits of the case, I am inclined to allow this bail application.
6. 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**