

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5605 of 2016

- Amit Sonkevre S/o Ramadhar Sonkevre Aged About 19 Years R/o Village Sandi, Police Station Palari, District Baloda Bazar Bhatapara, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Police Station Kasdol, District Baloda Bazar Bhatapara, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Sumit Jhanwar, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20.09.2016

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. 146 of 2016 registered at P.S. Kasdol, Distt. Balodabazar-Bhatapara(C.G) for the offence punishable under Sections 363, 366 & 376 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a report was made by the father of prosecutrix that the present applicant has enticed away the girl from lawful custody of parents and thereafter committed sexual intercourse with her on the pretext of marriage. Subsequently when the girl was recovered enquiry was made and the facts were disclosed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and both the girl and boy were in love relations and she of her own joined the company of present applicant and no allegations of sexual intercourse have been attributed in her statement

u/s 164 Cr.P.C. He further submits that the charge sheet has been filed and no further investigation is necessary and the applicant is in jail since 25.5.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of girl u/s 164 Cr.P.C., as also the statement given before Bal Kalyan Samiti. It appears that in such statements no allegations of sexual assault have been reported. She has also stated that she of her own joined the company of applicant.
6. Considering such statements of the girl as also the fact that the charge sheet has been filed and no investigation is necessary in this case, without any further 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**