

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7415 of 2015

Sanjay Kumar Roy S/o Motilal Roy Aged About 30 Years Caste
Kalar, R/o North Jhagrakhand, P.S. Jhagrakhand, Tahsil
Manendragarh, District Korea Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Police Station Jhagrakhand,
District Korea Chhattisgarh

---- Respondent

For applicant - Dr. Shailesh Ahuja, Advocate.
For Respondent/State – Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

5/01/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 162/2015 registered in Police Station Jhagrakhand, District Korea (C.G.) for offence punishable under section 363, 366 and 376 (2) (अ) (क) of IPC and under Section 5 (क) 6 of the Protection of Children from Sexual Offence Act, 2012 and 3 (2) (V) S.C.S.T. Prevention of Atrocity Act.

2. As per the prosecution case the applicant enticed the victim minor girl, took her away from the lawful guardianship of her mother and thereafter committed sexual intercourse despite knowing the fact that she was minor. Subsequently, statement was made by the victim and offence is said to be committed.

3. Learned counsel for the applicant submits that victim girl was in love relation with the applicant and when she was abused scolded by the family members, she herself went to the house of the applicant as such applicant gave her shelter and it is not a case she was forcefully taken

away from the lawful guardianship of parents. He further submits that victim is minor is in doubt and considering the statement under Section 161 of Cr.P.C. and statement given before the committee, the applicant may be released on bail.

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

5. Perused the case diary and as also statement of the victim wherein she has stated that she was abused by her brother and she herself went to the house of the applicant wherein she was given shelter and sexual relationship developed. Considering the statement of the victim without any observation on merits for the purpose of bail and also taking into account conduct played by this applicant, 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.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE