

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7779 of 2015

- Ravi Singh S/o Birendra Singh Aged About 20 Years R/o Village Latori, P.S. Jainagar, Distt. Surajpur, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through Station House Officer, P.S. A J A K, Ambikapur, Distt. Surguja, Chhattisgarh. -- **Respondent**

For the applicant	:	Mr. Malay Kumar Bhaduri, Advocate
For the Respondent	:	Ms. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19.01.2016

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 169 of 2015 registered at P.S. AJAK, Ambikapur, District Surguja (C.G) for the offence punishable under Section 363, 366, 376 of IPC and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 5 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a report was made by the mother of victim that the girl who was a minor at the time of incident was enticed and taken away by the applicant on the pretext of marriage and thereafter after recovery of the girl, on investigation it was revealed that the applicant has committed forcible sexual intercourse with the prosecutrix on the pretext of marriage.
3. Learned counsel for the applicant submits that that the victim was aged about 17 years and 7 months and she was

able to understand her well being and she herself went along-with the applicant and performed marriage and thereafter she was living with the applicant, therefore, no case is made out against the applicant and he has been falsely implicated in this case. It is further submitted that the applicant is in jail since 21.08.2015, therefore, he may be released on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. Perused the statement of the victim which was recorded before the Child Welfare Committee, Ambikapur, wherein she has stated that she went alongwith the applicant of her own and has performed marriage with him and was living with him.
6. Taking into such statement of victim, without any observation on merits of the case, I am inclined to release the applicant on bail.
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 is directed to appear before the trial Court as and when directed by the said Court.
8. C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE