

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2730 of 2016

Devlal Singh @ Guddu Singh, S/o. Ramayan Singh, Aged About 28 Years, R/o. Chanvaridand, Ward No. 06, At Present Rampur Mohalla, Bhagwanpur, Thana Janakpur, Distt. Koriya, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- Manendragarh, Distt. Koriya, Chhattisgarh

---- Respondent

For Applicant : Mr. Parag Kotecha, Advocate

For Respondent : Mr. O.P.Sahu, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13.06.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.118/2014, registered at Police Station Manendragarh, District Koriya (C.G.) for the offence punishable under Section 363, 366, 376(E) of Indian Penal Code & Section 3, 4, 5(२) & 6 of the Prevention of Children from Sexual Offence Act.
2. Case of the prosecution, in brief, is that the applicant on the pretext of marriage committed sexual intercourse with the prosecutrix and thereafter refused to marry; thereby, the offence is committed.
3. Learned counsel for the applicant submits that three statements of the prosecutrix were made and as per the statement made by the prosecutrix on 18.02.2016, she has stated that her date of birth is

21.06.1996 whereby the age comes to 18 years and therefore the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the prosecutrix dated 18.02.2016 wherein she has stated her date of birth is 21.06.1996 therefore since the doubt has been created about the age of the prosecutrix, without any observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge