

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2837 of 2016

- Rambilas Markam S/o Shyamlal Markam Aged About 32 Years
Caste Gond, R/o Village Pendari, P.S. Basantpur, Chowki
Wadrafnagar, District Balrampur Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through Police Station Pratappur,
District Surajpur Chhattisgarh.

--- Respondent

For the applicant	:	Mr. A.K. Yadav, Advocate
For the Respondent	:	Mr. Sumit Jhawar, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.06.2016

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.54/2016 registered at P.S. Pratappur Distt. Surajpur (C.G) for the offence punishable under Sections 363, 365, 366, 376/34 of IPC and Sections 3 & 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 01.02.2016 the applicant and other co-accused had taken away the minor victim from the lawful guardianship of her mother and father and during travel, this applicant along-with his friend Rajesh Panikar who is main accused and the victim girl travelled in the vehicle of this applicant. Thereafter the victim stayed in the house of Rajesh Panikar for 4-5 days and was subsequently recovered from his possession thereby the offence is committed by the applicant alongwith other co-accused.
3. Learned counsel for the applicant submits that the applicant

has not committed any offence except the fact that the main accused Rajesh and the victim have travelled along-with this applicant in his vehicle at one particular point of time. He further submits that according to the statement of prosecutrix herself, she was almost nearing 17-18 years and was a consenting party therefore no offence can be attributed to the applicant and he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. Perused the statements of victim u/ss 161 & 164 CrPC. Taking into consideration such statements and the degree of allegations levelled against the applicant as also the fact that charge sheet in this case has been filed and the applicant is stated to be in jail since 24.03.2015, I am inclined to release him on bail.
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