

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3303 of 2016

Vickey Soni S/o Rajendra Kumar Soni Aged About 25 Years R/o
Mathpurena, Imamnagar, Ward No. 53, Raipur, Police Station
Tikrapara, Raipur, District Raipur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : District Magistrate Balod, District
Balod Chhattisgarh

---- Respondent

For applicant - Shri Anil Gulati, Advocate.
For Respondent/State – Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

5/07/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 65/2016 registered in Police Station Arjunda, District Balod (C.G.) for offence punishable under sections 366, 376 r/w 34 of Indian Penal Code and Section 3(1) (12) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act. (As per the charge sheet)
2. As per the prosecution case the applicant on 14/02/2016 who was earlier in talking terms with the prosecutrix took away her from village to Raipur along with one co-accused in motorcycle and thereafter they stayed at the house in the night wherein applicant committed sexual intercourse, on the ground that he will marry her. However, subsequently, the family members of the applicant refused to keep the girl and she was deserted.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case and he has not committed any offence,

girl was major and she of her own went along with the applicant and was in relation with the applicant and therefore offence cannot be attributed to the applicant. Therefore, learned counsel submits that the applicant may be released on bail.

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

5. Perused the statement of the prosecutrix under Section 161 and 164 of Cr.P.C. The prosecutrix is stated to be major. Considering the statement of the prosecutrix, without any observation on the merits, 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