

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2572 of 2016

- Shaukhilal S/o Kiritram Satnami Aged About 30 Years R/o Village Kurwa, Police Station Nandghat, Civil & Rev. Distt. Bemetara Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through The Police Station Nandghat, Civil and Rev. District Bemetara Chhattisgarh. **Respondent**

For the applicant	:	Mr. P.P. Sahu, Advocate
For the Respondent	:	Mr. Sumeet Jhawar, Panel Lawyer
For the Objector	:	Mr. R.S. Patel, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21.06.2016

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. 430/2015 registered at P.S. Nandghat, Distt. Bemetara (C.G) for the offence punishable under Sections 363, 366, 376, 368, 34 of IPC & Sections 4 & 7 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a missing report was made by the father of victim that the applicant allured his daughter and took her away from the lawful guardianship of her father and mother and thereafter committed sexual intercourse against her will, thereby the offence is committed.
3. Learned counsel for the applicant submits that perusal of the statements of the girl would show that she was in love affair with the applicant and at the instance of the girl both of them went to Nawagarh, Mungeli, Kawardha and then Jamnagar and thereafter they came to Bemetara and

surrendered before the Police. He further submits that no allegation of intercourse has been made against this applicant and the girl is aged about 17 1/2 years which would show that she was able to understand the welfare of her own therefore taking into fact that charge sheet in this case has been filed and the applicant is in jail since 22.12.2015, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statements of the girl recorded u/ss 161 & 164 Cr.P.C. Perusal of the statement u/s 164 Cr.P.C., shows that the girl was in love with the applicant and no allegations of physical intercourse has been levelled against the applicant.
6. Taking into account that the girl is aged about 17 1/2 years and the back ground of the case as also the fact that the charge sheet in this case has been filed and the applicant is stated to be in jail since 22.12.2015 and further taking into the statement of the girl u/s 164 Cr.P.C., without any observation on the 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 shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE