

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 99 of 2016

- Ashish Dubey @ Durga Prasad Dubey S/o Narendra Kumar Dubey Aged About 26 Years R/o T/B - 07, Tikrapara, Postal Colony, Raipur, Tahsil & District Raipur Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through Thana Incharge, Thana Tikrapara, Raipur, District Raipur Chhattisgarh.

---- Respondent

For the applicant	:	Mr. Basant Kaiwartya, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21.01.2016

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. 411 of 2015 registered at P.S. Tikrapara, District Raipur (C.G) for the offence punishable under Sections 363, 366, 376 IPC and Section 3 & 4 of Protection of Children from Sexual Offences Act.
2. As per the prosecution, the applicant allured the victim who was a minor on the pretext of marriage and thereafter committed sexual intercourse with her. Subsequently a report was made by Urmila Bai, the mother of prosecutrix on 15.08.2015 and in pursuance of which, the police started investigation and while they were roaming at village Bolda, they were intercepted and caught by the police.
3. Learned counsel for the applicant submits that the victim was aged about more than 17 years and she was in love

affairs with the applicant and she of her own went along with the applicant which would be evident from the statement recorded u/s 161 Cr.P.C. He further submits that the applicant is in jail since 17.08.2015 and prays for releasing him on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. Perused the statement u/s 161 Cr.P.C. A perusal of statement would reveal that the prosecutrix has not supported the case and has stated that she was in relation with the applicant and went along-with him.
6. Taking into such statement of prosecutrix and looking to the detention period of the applicant as he is stated to be in jail since 17.08.2015, without any observation on merits of the case, I am inclined to enlarge him 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.
8. C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**