

HIGH COURT OF CHHATTISGARH, BILASPUR**Miscellaneous Criminal Case No.2650 of 2016**

Arun Kumar Prajapati @ Chhotu, son of Jai Kumar Prajapati, aged about 18 years, resident of Katora Kumharpara, P.S. Patna, District Korea, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through Police Station Patna, District Korea, Chhattisgarh

---- Respondent

For Applicant	:	Shri Arvind Singh, Advocate
For State/Respondent	:	Shri Adhiraj Surana, Deputy Government Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

7/6/2016

1. This is an application filed under Section 439 Cr.P.C. for grant of regular bail to the Applicant, who has been arrested in connection with Crime No.10 of 2016 registered at Police Station Patna, District Korea (Chhattisgarh) for the offence punishable under Sections 363, 366 and 376 IPC and Sections 7 and 18 of the Protection of Children from Sexual Offences Act, 2012. The Applicant is in jail since 15.1.2016.
2. Case of the prosecution, in brief, is that the present Applicant is said to have allured a minor girl, i.e., the prosecutrix on 14.1.2016 and is said to have committed the offence under Sections 363, 366 and 376 IPC and Sections 7 and 18 of the Protection of Children from Sexual Offences Act, 2012.
3. Learned Counsel for the Applicant submits that the present Applicant has been falsely implicated in the instant case and the whole incident occurred because of the parents of the minor girl who wanted her

to marry some one whom she did not like. Therefore, the victim had called upon the present Applicant to drop her to the house of one of the known persons of the minor girl, whom she referred to as her elder sister. Except for dropping the minor girl from her parental house to the house of *Didi* of the minor girl, there is no overt act committed by the Applicant. Learned Counsel further submits that in the statement of the minor girl recorded under Section 161 Cr.P.C. on the very day of lodging of the First Information Report, there is no allegation levelled against the present Applicant so as to constitute an offence for which he has been charged with. Therefore, the present Applicant may be released on bail.

4. Learned Counsel for the State however opposes the bail application and submits that it is the case where the minor girl has been taken away from her lawful guardianship by the present Applicant, therefore, though offence under Section 376 IPC and Sections 7 and 18 of the Protection of Children from Sexual Offences Act, 2012 may not be made out yet the offence under Sections 363 and 366 IPC would definitely be made out against him.

5. I have heard Learned Counsel appearing for the parties.

6. Without commenting on merits, considering the totality of the facts and circumstances of the case, more particularly taking into consideration the statement of the prosecutrix recorded by the prosecution under Section 161 Cr.P.C. on the very day of lodging of the FIR, this Court is of the opinion that the present is a fit case in which the Applicant should be enlarged on regular bail.

7. Accordingly, the bail application is allowed.

8. It is directed that the Applicant shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- (Twenty Thousand) with two sureties in the like sum to the satisfaction of the trial Court and

for his appearance before the said Court as and when directed.

9. Certified copy as per rules.

Sd/-
(P. Sam Koshy)
Vacation Judge