

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 3600 of 2016**

- Heera Lal Dhruv S/o Tekram Dhruv Aged About 24 Years R/o Village Juda, Out Post Lavan, Police Station Kasdol, District Baloda Bazar Bhatapara, Chhattisgarh. --- **Petitioner**

**Versus**

- State of Chhattisgarh Through Station House Officer, Police of Police Station Kasdol, District Baloda Bazar Bhatapara, Chhattisgarh. --- **Respondent**

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| For the applicant  | : | Mr. Anil Gulati, Advocate   |
| For the Respondent | : | Mr. O.P. Sahu, Panel Lawyer |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**13.07.2016**

1. This is the 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. 49 of 2016 registered at P.S. Kasdol, District Baloda Bazar Bhatapara (C.G) for the offence punishable under Sections 363, 366, 376 of IPC & Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a report was lodged by one Anita Verma, mother of prosecutrix alleging that her minor daughter was allured and was taken away from her lawful guardianship and thereafter, on the pretext of marriage, she was subjected to rape by the applicant.
3. Learned counsel for the applicant submits that the applicant and the victim girl were in love relations and the girl of her went alongwith applicant and no allegation of rape has been attributed in her statement recorded u/s 164 Cr.P.C., wherein it is stated that she of her own went along-with the

applicant. He further submits that the charge sheet in this case has been filed and the applicant is in jail since 12.03.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of prosecutrix u/s 164 Cr.P.C., wherein no allegation of rape has been attributed by the prosecutrix.
6. Taking into consideration such statement of prosecutrix as also the fact that the charge sheet in this case has been filed and the applicant is stated to be in jail since 12.03.2016, without any observation on 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**