

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3848 of 2016**

Uttam Dhritlahare S/o Dukahla Dhritlahare Aged About 21 Years,
R/o Village Datrengi (Wrongly Mentioned In Impugned Order
Dantregi), Thana - Bhatapara (Gramin), Distt. Baloda Bazar -
Bhatapara Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station House Officer -
Bhatapara (Gramin) Distt. Bhatapara - Baloda Bazar Chhattisgarh

---- Respondent

For applicant - Shri Deepak Jain, Advocate.
For Respondent/State – Shri Arvind Shukla, PL.

Hon'ble Shri Justice Goutam Bhaduri**Order****20/07/2016**

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.37/2015 registered in Police Station Bhatapara (Gramin), Distt. Baloda Bazar-Bhatapara (C.G.) for offence punishable under sections 363, 366, 376 of Indian Penal Code and u/s 4 of Protection of Children From Sexual Offences (POCSO Act) 2012.
2. As per the prosecution case, missing report was made by father of the prosecutrix that her daughter is missing who is minor. Subsequently, FIR was lodged on 12/02/2015 and it is the case of the prosecution that on the pretext of marriage the applicant has committed sexual intercourse with the prosecutrix and thereby committed the offence.
3. Learned counsel for the applicant submits that the prosecutrix and the applicant were in love relation, thereafter they have performed marriage and out of the wedlock one child was born on 21/03/2016. Therefore, he submits that offence cannot be said to have been committed and 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 164 of Cr.P.C. wherein she has stated that she has performed marriage and out of the wedlock a child was born and when they came to village they were arrested. Taking into such statement under Section 164 of Cr.P.C., 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