

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4089 of 2016

- Jai Prakash Ekka S/o Sukhram Ekka Aged About 24 Years
Occupation -Service R/ Vill. - Bhedimuda, Thana - Lailunga,
Civil & Rev. District Raigarh, Distt. Raigarh Chhattisgarh. ----
Petitioner

Versus

- State of Chhattisgarh through P.S. - Lailunga, Distt. - Raigarh
Chhattisgarh. --- **Respondent**

For the applicant	:	Miss. Sharmila Singhai, Advocate
For the Respondent	:	Mr. Sumit Jhawar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.07.2016

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. 90 of 2016 registered at P.S. Lailunga, Distt. Raigarh (C.G) for the offence punishable under Section 363, 366, 376 IPC & Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a missing report was lodged by father of the girl namely Ghurav Ram that on 01.02.2016 the applicant enticed away the minor girl on the pretext of marriage and thereafter he committed sexual intercourse with her. Subsequently the girl was recovered from the possession of the applicant.
3. Learned counsel for the applicant would submit that the applicant and the victim girl, were in love relations and the girl of her own went along-with applicant. She further submits that the girl was aged about 17 years and 9 months

and was almost reaching the age of 18 years and she was able to understand her welfare and in her statement u/s 164 Cr.P.C, no allegations of sexual intercourse were levelled. She further submits that the charge sheet in this case has been filed and the applicant is in jail since 06.04.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary as also the statements of the prosecutrix recorded u/ss 161 & 164 Cr.P.C. In 164 statement, it is stated that both victim and applicant like each other and no allegations of sexual intercourse have been attributed to the applicant.
6. Taking into such statement and the age of the prosecutrix who was almost 18 years at the time of incident, without making 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