

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7456 of 2015

- Dhannu @ Dhanesh Chandrakar S/o Santram Chandrakar Aged About 26 Years R/o Ram Nagar, Ward No. 10, Vill. Rajhara, P.S. Rajhara, Tah. & Distt. Balod, Chhattisgarh, Civil & Rev. Distt. Balod, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through Aarakshi Kendra Dalli Rajhara, Distt. Balod, Chhattisgarh. Civil & Rev. Distt. Balod, Chhattisgarh.

---- **Respondent**

For the applicant	:	Mr. Vikash A. Shrivastava, Advocate
For the Respondent	:	Mr. Anupam Dubey, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.01.2016

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. 262 of 2014 registered at P.S. Dalli Rajhara, Distt. Balod (C.G) for the offence punishable under Sections 363, 366, 376 IPC and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Case of prosecution, in brief, is that in the month of September, 2014 the applicant enticed the victim who is a minor girl and took her away from the lawful guardianship of her parents and thereafter committed sexual intercourse with her.
3. Learned counsel for the applicant submits that as per the statement of the girl, it is not a case that the applicant has enticed the prosecutrix and took her away from the legal guardianship of her parents. He further submits that the

victim herself was in love affairs with the applicant and she voluntarily accompanied the applicant and performed marriage with him and out of such wedlock, a child was also born. He referred to the statements recorded u/ss 161 & 164 Cr.P.C., and submits that since the missing report was lodged, the applicant was arrested.

4. Per contra, learned State Counsel opposes the bail application.
5. Perused the statements of the prosecutrix recorded under Sections 161 & 164 Cr.P.C., wherein it has been stated that the victim herself voluntarily accompanied the applicant and thereafter, performed marriage with him and out of such marriage, a child was also born.
6. Taking into such statement of the prosecutrix and also considering the fact that the applicant is stated to be in jail since 02.08.2015, I am inclined to release him on bail.
7. Accordingly, this 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