

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4745 of 2016

- Mithlesh Xess S/o Patarsai Aged About 22 Years R/o Maltipur,
P.S. Kamleshwarpur, District Sarguja, Chhattisgarh ---
Petitioner

Versus

- State of Chhattisgarh Through Station House Officer, Sitapur,
District Sarguja Chhattisgarh --- **Respondent**

For the applicant	:	Mr. C.J.K. Rao, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29.08.2016

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. 92/2015 registered at P.S. Sitapur, Distt. Sarguja (C.G) for the offence punishable under Sections 363, 366, 376(2)(n) of IPC and Section 5(1) read with section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a report was made the prosecutrix that prior to 23.04.2015 the applicant enticed her away on the pretext of marriage and thereafter committed sexual intercourse.
3. Learned counsel for the applicant submits that the prosecutrix has been examined and paras 2 & 3 of her cross examination would reveal that the applicant and prosecutrix were in love relations and they have performed marriage. He further submits that the applicant is ready to keep the prosecutrix and false allegations have been made against

him, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of prosecutrix wherein she has stated that she was married to the applicant which is not disputed by the counsel for the applicant and it is further submitted that the applicant is ready to keep the prosecutrix. Taking into such submission and the fact that the applicant has not disputed the marriage, I am inclined to allow this bail application.
6. 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.
7. It is further directed that the trial Court shall communicate the admission made by the applicant during the hearing about the solemnization of marriage made with prosecutrix to the prosecutrix and her family members in their language and shall also communicate the admission made by the applicant that he is further ready to keep her with him.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**