

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4971 of 2016

- Raju S/o Mahar Lal Patel Aged About 23 Years R/o Village Pendri, P.S. Navagarh Tehsil Navagarh, Janjgir Champa, Chhattisgarh. --- Applicant

Versus

- State of Chhattisgarh Through Police Station Nawagarh, District Janjgir Champa, Chhattisgarh. --- Respondent

For the applicant	:	Mr. Sumit Singh, Advocate
For the Respondent	:	Mr. Anupam Dubey, Dy. Govt. Adv.

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. 295 of 2015 registered at P.S. Nawagarh, Distt. Janjgir Champa (C.G) for the offence punishable under Sections 363, 366, 376 of IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 28.12.2015 a report was made by the father of victim that on 19.12.2015 the applicant has enticed away the girl and subsequently the girl was recovered from Kashmir on 16.02.2016 at the instance of the applicant. Thereafter, on investigation it was revealed that the applicant has enticed away the girl and committed forcible sexual intercourse on the pretext of marriage.
3. Learned counsel for the applicant would submit that according to the statement of prosecutrix, the applicant has performed the marriage with the prosecutrix on 24th December, 2015, thereafter she moved along-with the

accused to Kashmir without any objection and it would show that the victim was a consenting party to the entire incident. Therefore, under the circumstances no offence can be attributed to the applicant and he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of the prosecutrix u/s 164 Cr.P.C., wherein she has stated that the applicant had performed marriage with her on 24th December 2015 and thereafter they went to Delhi and Kashmir. Considering such statement of prosecutrix, without making any further observation on merits of the case, 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.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE