

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5263 of 2016

- Umesh Hidame (Thakur) S/o Shri Saganuram Hidame Aged About 26 Years Caste Gond, R/o Baginsur, P.S. Mohala, District Rajnandgaon, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Mohala, District Rajnandgaon, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Malay Kumar Bhaduri, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07.09.2016

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. 41/2016 registered at P.S. Mohala, Rajnndgaon(C.G) for the offence punishable under Sections 363, 366 & 376 of IPC & Sections 4/6 of the Protection of Children from Sexual offences Act.
2. As per the prosecution case, on 30.05.2016 a report was made by the prosecutrix that the applicant and prosecutrix were in love relations and on the pretext of marriage, the applicant used to commit sexual intercourse. It is further alleged that on 23.05.2016 the applicant enticed and took her away to Manpur, thereafter to other places and stayed there for two days and ultimately they came back and when the girl went to the house of applicant for marriage, the applicant refused to marry.
3. Learned counsel for the applicant would submit that the victim was aged about 17 years and 8 months and she was

able to understand her well being and she herself went alongwith the applicant. He further submits that as per the own statement of the girl, both of them were in love relations, therefore, no offence is made out against the applicant. It is further submitted that the charge sheet in this case has been filed and no investigation is necessary, 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 prosecutrix u/ss 161 & 164 Cr.P.C., wherein it is stated that she was in love relations with the applicant.
6. Considering such statements and age of the prosecutrix who is stated to be 17 years and 8 months as also considering the fact that charge sheet has been filed, without 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**