

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5336 of 2016

- J. Raja S/o J. Apparao, Aged About 19 Years R/o Zone-03, Balaji Nagar, Near Janta Provision Store, Khursipar, Police Station Khursipar, District Durg, Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh through Station House Officer, Police of Police Station- Khursipar, District- Durg, Chhattisgarh --- **Respondent**

For the applicant	:	Mr. B.P. Singh, Advocate
For the Respondent	:	Mrs. Shobha Kashyap, Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15.09.2016

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. 165 of 2016 registered at P.S. Khursipar, Distt. Durg (C.G) for the offence punishable under Sections 363, 366(A), 376 of IPC & 5 (Tha) & 6 of Protection of Children from Sexual Offences Act.
2. As per the prosecution case, a missing report was made by the father of victim on 21.04.2016. Subsequently the victim came back and on investigation it was revealed that the applicant took her away from the lawful possession of her parents on the pretext of marriage and thereafter committed sexual intercourse, thereby the offence was committed.
3. Learned counsel for the applicant would submit that the victim herself went along-with the applicant and the applicant has not enticed away the girl. He further submits that no allegations of rape are reported against the applicant by the victim in her statement u/s 164 Cr.P.C. It is further

submitted that the charge sheet has been filed and no further investigation is necessary, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the statements of the victim u/ss 161 & 164 Cr.P.C. In 164 statement, no allegation of rape has been attributed against the present applicant.
6. Considering such statement of the prosecution as also the totality of facts and circumstances of the case, without any further observation on merits of the case, I am inclined to allow this bail application.
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**