

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5581 of 2016

Krishna S/o Tikam Singh Nageshwar, Aged About 22 Years, Caste-
Maithil Kshatri, R/o Village Sandi, Police Station & Tahsil
Chhuikhadan, District Rajnandgaon Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Chhuikhadan, District Rajnandgaon Chhattisgarh

---- Respondent

For applicant - Shri Abhishek Sharma, Advocate.
For Respondent/State – Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

19/09/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.107/2016 registered in Police Station Chhuikhadan, District Rajnandgaon (C.G.) for offence punishable under sections 363, 366 (A), 376 of IPC and Section 4, 6, 12 of the Protection of Children from Sexual Offence Act, 2012 (as per final report).
2. As per the prosecution case, a report was made by grandmother of the victim on 12/05/2016 that the girl is missing from 6/05/2016. Subsequently, the girl recovered from the possession of the applicant on 18/05/2016. The applicant enticed away the girl from the lawful custody of her parents and thereafter committed sexual intercourse and went to different places.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case and the prosecutrix and the applicant were in relation with each other and they performed marriage. Thereafter, she was staying alongwith the applicant. He submits that the victim is living with the applicant's family, therefore the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the statement of the victim under Section 161 and 164 of Cr.P.C. wherein she has stated that she has performed marriage with the applicant. Considering the facts and circumstances of the case and the victim has been stated to be of 17 years, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE