

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6000 of 2016

- Vedprakash Shrivastava S/o Shri Bhogilal Shrivastava Aged About 23 Years
R/O Village Khursipali, Police Station Kharsia, Civil & Revenue
District Raigarh, Chhattisgarh. **--- Petitioner**

Versus

- State of Chhattisgarh through Police Station Sakti, District Janjgir
Champa, Chhattisgarh. **--- Respondent**

For the applicant	:	Mr. Jeet Patel, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Govt. Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03.10.2016

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. 175 of 2016 registered at P.S. Sakti, Distt. Janjgir Champa (C.G) for the offence punishable under Sections 363, 366, 376 IPC & section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 20.06.2016 a report was made by the father that his minor daughter was found missing from 19.06.2016. Subsequently the girl was recovered from the possession of the present applicant on 21.6.2016 and on investigation it was revealed that the applicant has enticed away the minor girl from the lawful custody of parents and committed forcible sexual intercourse on the pretext of marriage.
3. Learned counsel for the applicant would submit that the victim in her statement u/s 164 Cr.P.C., has not clamped any

allegations against the applicant and he has been falsely implicated, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.

5. Perused the statements of prosecutrix u/s 161 & 164 Cr.P.C.

In her 164 statement, no allegations have been attributed to the applicant and it is stated that she herself went along-with him. Considering such statement of the prosecutrix and taking into totality of the facts situation of the case, without any 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**