

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5985 of 2016

- Mahesh Manikpuri S/o Santosh Manikpuri, Aged About 21 Years R/o Gandhi Nagar, Diparapara, Durg, Tahsil And District Durg, Chhattisgarh
--- **Petitioner**

Versus

- State of Chhattisgarh Through: Station House Office, Police Station Durg, District Durg, Chhattisgarh
---- **Respondent**

For the applicant	:	Mr. Jitendra Gupta, Advocate
For the Respondent	:	Mr. Anupam Dubey, Dy.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. 151 of 2016 registered at P.S. Durg, Distt. Durg (C.G) for the offence punishable under Sections 363, 366, 376 of IPC and Sections 5(tha) & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 18.02.2016 a report was made by the mother Manju Nirmalkar that on 08.02.2016 her daughter was enticed away by the present applicant and he committed sexual intercourse with her on the pretext of marriage and thereafter the girl was recovered on 10.07.2016 from the possession of the applicant.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated as the girl herself went alongwith the applicant and they had performed marriage and after marriage she was recovered from the company of

the present applicant, therefore, no offence has been committed.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of the girl u/s 164 Cr.P.C., wherein no allegations of rape have been attributed and it is stated that the victim has performed marriage with the present applicant and no forcible rape was committed. Considering such statement of the girl, without 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**