

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 5747 of 2017**

Hari Singh Jatav @ Harish Singh S/o Late Rambharosh Singh Jatav, aged about 24 years, R/o Keliya, Police Station Keliya, Civil & Revenue District Jalon, Uttar Pradesh.

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police Station Balco Nagar, District Korba, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Govind Dewangan, Advocate
For Respondent/State	:	Shri Garry Mukhopadhyay, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****24/11/2017**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who has been arrested in connection with Crime No. 173/2017 registered at Police Station Balco Nagar, District Korba (CG) for the offence punishable under Sections 363, 366A & 376 of IPC and Section 4 of Protection of Children from Sexual Offences Act. The applicant is in jail since 30.04.2017.

2. The allegation, as per the prosecution, against the applicant is that he is said to have abducted the prosecutrix, a minor girl aged about 15 years 9 months and kept her in his confinement for a period of about two years during which the applicant is said to have had physical relationship with her.

3. Counsel for the applicant submits that a perusal of the case diary would reveal that the applicant had not used any sort of coercion,

incitement or pressure for the prosecutrix to go along with him rather it is a case where the prosecutrix had voluntarily gone along with the applicant as is evident from her 164 CrPC statement. He submits that the prosecutrix and the applicant were happily living with the family members of the applicant in District Jalon, UP till the police authorities had recovered them. Thus, prayed for the applicant to be released on bail.

4. State counsel, however, opposing the bail application submits that at the relevant point of time the prosecutrix was a minor and under no circumstance, the applicant could have taken the prosecutrix along with him and therefore he does not deserve to be released on bail.

5. Perusal of the record reveals that the prosecutrix in her 164 CrPC statement has categorically stated that she was apprehending herself to be sold by her mother and therefore, she escaped from the clutches of her mother and went to the applicant's house and chose to go along with him. Thereafter, the two had eloped and was staying together till the police had recovered them from Up.

6. Considering the aforesaid factual matrix of the case, this Court is of the opinion that prima facie, a strong case for grant of bail has been made out.

7. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
JUDGE