

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 6292 of 2017**

Surendra @ Virendra Baghel S/o Late Satish Baghel, aged about 19 Years R/o Shyam Nagar, Lingiyadih, Tahsil Bilha, District Bilaspur Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police Station Sarkanda, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Smt. Indira Tripathi, Advocate
For Respondent/State	:	Shri D. R. Minj, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****30/11/2017**

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. 195/2017 registered at Police Station Sarkanda, District Bilaspur (CG) for the offence punishable under Sections 363, 366, 376 of IPC and Sections 4 & 6 of Protection of Children from Sexual Offences Act. The applicant is in jail since 22.06.2017.

2. The case, as per the prosecution, against the present applicant is that he is said to have abducted the prosecutrix and taken her to different places and maintained physical relationship with her.

3. Counsel for the applicant submits that the applicant in the instant case is a teenage boy and that there was love affair between the two and both the applicant as well as the prosecutrix had voluntarily left their house. Later on, both got married and were staying together till the prosecutrix was

recovered on 22.06.2017. In the given facts, counsel for the applicant prayed for grant of bail to the applicant.

4. State counsel, however, opposing the bail application submits that the date of birth of the prosecutrix is 20.07.2001 and the age of the prosecutrix when she went along with the applicant was 16 years and 6 months i.e. she was a minor. Therefore, even if there was a consent, it is of no consequence. Thus, prayed for rejection of the bail application.

5. Considering the entire facts and circumstances of the case, particularly taking note of the age of the applicant as also the age of the prosecutrix and her statement under Section 161 CrPC, this Court is of the opinion that it is a fit case for grant of bail to the applicant.

6. 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