

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 6685 of 2017**

Omkar S/o Ganesh Maheshwari, Aged About 22 Years R/o Ward No.14,
Tikripara, Gandai, Police Station Gandai, Tahsil Chhuikhadan, District
Rajnandgaon, Chhattisgarh

---- Applicant**Versus**

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

----Non-applicant

For Applicant	:	Mr. Abhishek Sharma, Advocate
For State	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****04/12/2017**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 23/2016 registered at Police Station Gandai, District Rajnandgaon, Chhattisgarh for the offence punishable under Sections 363, 366, 376, 34 of I.P.C. and Sections 4, 8 of Protection of Children from Sexual Offences Act.
2. The present applicant is in jail since 12.08.2017 in connection with the aforesaid Crime number.
3. The case against the present applicant as per the case of the prosecution is that the present applicant knowing the fact that the prosecutrix in the instant case is a minor is said to have abducted her and took her to different place and where he is said to have ravished her.
4. The counsel for the applicant on the contrary submits that the present applicant and the prosecutrix were having a love affair and that both of them voluntarily decided to elope from the house and

had gone to different places. In between they have also said to have performed the marriage and were staying as husband and wife and that from the said relationship they also have a daughter born and thus prayed for the present applicant to be released on bail.

5. The State counsel however opposing the bail application submits that it is a case where the applicant knew the fact that the prosecutrix was a minor and therefore should have not taken her along with him and therefore seems admittedly the prosecutrix being a minor, her consent or consensual relationship is inconsequential and prayed for the rejection of the bail application.
6. Having heard the entire facts and circumstances of the case, particularly taking note of the statement of the prosecutrix and the fact that the prosecutrix herein was aged around 16 years and 10 months at the time of her leaving the parental home and also considering the fact that the prosecutrix and the applicant having married with each other and a child also has been born, this Court is of the opinion that prima facie a fit case has been made out for grant of bail to the applicant. Accordingly, the present application for grant of bail is allowed.
7. 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 Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge