

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No.3750 of 2017**

Gulab Mahilange, S/o Shri Durga Prasad, aged about 23 years, R/o Satnami Para, Motipur, Rajnandgaon, Tahsil and District Rajnandgaon (C.G.)

---- Applicant

**versus**

State of Chhattisgarh, Through : Thana – Pulgaon , District – Durg (C.G.)

---- Respondent

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| For Applicant        | : | Shri Samir Singh, Advocate        |
| For Respondent/State | : | Shri Rahul Tamaskar, Panel Lawyer |

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**Hon'ble Shri Justice Arvind Singh Chandel**

**Order on Board**

**13.11.2017**

1. This is the first bail application filed under Section 439 Cr.P.C. for grant of regular bail to the Applicant who has been arrested in connection with Crime No.154 of 2017, registered at Police Station Pulgaon, District Durg (Chhattisgarh) for the offence punishable under Sections 363, 366 and 376 of the IPC and Sections 4 and 5 of the Protection of Children from Sexual Offences Act.
2. Case of the prosecution in brief is that on 18.01.2017, at about 3:00 p.m., the applicant, on the assurance that he will marry the prosecutrix aged about 17 years, eloped her and they lived together as husband and wife for about 3 – 4 months. During this period, physical relationship also took place between them.
3. Learned Counsel appearing for the Applicant argued that the applicant is innocent. He has been falsely implicated in the case. The prosecutrix, at the time of commission of alleged offence, was major and a consenting party. The FIR was lodged belatedly. The applicant is in jail since 23.03.2017. Therefore, he may be released on bail.
4. Learned Counsel appearing for the State opposes the bail application.

5. I have heard Learned Counsel for the parties and perused the entire case diary.
6. A perusal of the case diary would reveal that in her statement under Section 164 Cr.P.C., the prosecutrix has stated that she had gone to the house of the applicant at her own will, the applicant had not eloped her and no physical relationship took place between them. The incident is of 18.01.2017 but the FIR was lodged on 22.03.2017.
7. Taking into consideration the totality of the facts and circumstances of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on furnishing a personal bond in the sum of Rs.10,000/- with one solvent surety of the like sum to the satisfaction of the concerned Trial Court for his appearance before the concerned Trial Court as and when directed.

Sd/-  
**(Arvind Singh Chandel)**  
**Judge**