

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1519 of 2017

Rohit Dheewar S/o Shivnarayan Dheewar, Aged About 24 Years
R/o Sirpur Chowky, Sirpur, Police Station Tumgaon, District
Mahasamund Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Rakhi, Raipur, District Raipur Chhattisgarh

---- Respondent

For applicant - Shri N. Naha Roy, Advocate.
For Respondent/State – Shri Ashok Swarnakar, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

22/03/2017

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 71/2016 registered in Police Station Rakhi, Raipur, Distt. Raipur (CG) for offence punishable under sections 363, 366, 376 (2) (i) of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offence Act, 2012.
2. As per the prosecution case, missing report was lodged by father of the prosecutrix on 26/04/2016. Subsequently, prosecutrix was found in possession of the applicant on 17/07/2016 wherein after investigation it revealed that the applicant enticed away the prosecutrix from the lawful custody of her parents on the pretext of marriage and committed sexual intercourse. Thereby, offence has been committed.
3. Learned counsel for the applicant submits that the prosecutrix and the applicant were in love relation and the applicant has performed marriage with the prosecutrix which would be evident from the statement of the prosecutrix, therefore the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the statement of the prosecutrix under Section 164 of Cr.P.C. as also statement recorded before child welfare committee wherein prosecutrix has stated that she want to stay with the applicant as they have performed marriage. Considering the same without further observation on the merits, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE