

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1446 of 2017

- Smt. Arti W/o Balkishun, Aged About 26 Years R/o Village Sasouli, Police Station Lundra, District Surguja, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Lundra, District Surguja, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Arvind Sinha, Advocate
For Respondent/State	:	Shri Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/03/2017

1. Heard.
2. The applicant has been arrested in connection with Crime No. 50/2016 registered in Police Station Lundra, District Surguja (C.G.) for the alleged commission of offence under Sections 363, 354, 120B, 366(A) of IPC and Section 7, 8 and 17 of the Protection of Children for Sexual Offence Act, 2012.
3. Case of the prosecution, in brief, is that the prosecutrix was taken by the present applicant in a marriage without consent of her guardian and it is further alleged that in that marriage, the prosecutrix, a minor, was taken away by another boy present in the marriage, who outraged her modesty. It is also alleged the girl was subjected to sexual assault by the boy.
4. Learned counsel for the applicant submits that the applicant is nowhere involved in alleged commission of offence. Prosecutrix had gone along with the present applicant voluntarily to attend the marriage, if something is done with the prosecutrix by other person, applicant cannot be held responsible. It is also submitted that charge-sheet has been filed.
5. On the other hand, learned counsel for the State has opposed the bail application. He submits that girl was minor in age, *prima facie* at least Section 363 of IPC is made out, therefore, at this stage applicant may not be

released on bail.

6. Having considered the submissions made by learned counsel for the parties, particularly the role alleged to have been played by the applicant as stated by the prosecutrix under Section 164 of CrPC statement, which *prima facie* confines only to the prosecutrix being taken to attend the marriage and the allegation of outraging her modesty are against another co-accused and the applicant is not likely to abscond or temper with the prosecution witnesses, I am inclined to enlarge the applicant on bail.
7. It is directed that the applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)
Judge