

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1513 of 2017

Sonu Chandravanshi S/o Ghurau Chandravanshi, Aged About 21 Years R/o Ruse,
Police Station Pandatarai, Tehsil Pandaria, District Kabirdham Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Bodla, District Kabirdham
Chhattisgarh

---- Respondent

Shri Ajay Ayachi, counsel for the applicant/s.
Shri Aditya Sharma, Dy.G.A. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

15/03/2017

Heard.

The applicant has been arrested in connection with Crime No.06/2017 registered at Police Station – Bodla, Distt. - Kabirdham (CG) for alleged commission of offences under Section 363, 366 of IPC and Section 7 and 8 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution is that the applicant kidnapped the prosecutrix and compelled her to marry. As the prosecutrix is less than 18 years of age, offence under Section 7 and 8 of the POCSO Act has also been registered against the applicant.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated. The statement of the prosecutrix under Section 164 CrPC recorded before the Magistrate clearly shows that the prosecutrix had an affair with the applicant and there is no allegation of sexual assault, rape or outraging modesty. It is submitted that the charge sheet has now been filed during the pendency of the bail application. Therefore, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes bail application and submits that looking to the nature of allegations and the age of the prosecutrix, the applicant is not entitled to grant of bail.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submissions based on statement of the prosecutrix under Section 164 CrPC and that the investigation is complete, charge sheet has been filed and that there is no allegation of any kind of sexual assault by the applicant, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on his 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 Trial Court. He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge