

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1982 of 2017

- Suresh @ Gabbar S/o Shri Dhanjeevan Shrivastava, Aged About 23 Years, R/o Purani Basti, Turribhata, Kharsia, Police Station and Tahsil Kharsia, District Raigarh Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. of the Police Station Kharsia, District Raigarh Chhattisgarh

... Non-applicant

For Applicant	:	Shri Abhishek Saraf, Advocate.
For Non-applicant/State	:	Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04/10/2017

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 16.01.2017 in connection with Crime No.524/2016 registered at Police Station Kharsia, District Raigarh, C.G. for the offence punishable under Sections 363, 366, 376 of the IPC and Section 4 and 6 of Protection of Children from Sexual Offences Act, 2012.
2. Contention of the learned counsel for the Applicant is that in the present case the prosecutrix was aged around more than 17 years 7 months. It is also contended that during recording of statement under Section 164 the prosecutrix has specifically pleaded that she voluntarily went along with the present Applicant and present Applicant has also performed marriage with the prosecutrix in a temple at Jaipur, Rajasthan. Therefore, he prays for grant of bail.

3. Learned State counsel opposes the bail application on the ground that the prosecutrix in any case is a minor and therefore even if it is a case of consent, it is not excuse for the Applicant.
4. Considering the facts and circumstances of the case more particularly the age of the prosecutrix shown more than 17 years and 7 months, and also considering young age of the present Applicant and keeping in view the statement of the prosecutrix in her statement recorded under Section 164 of the Cr.P.C. particularly that the Applicant already has performed marriage with the prosecutrix, this Court is of the view that a strong case for grant of bail has been made out.
5. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge