

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2642 of 2017**

- Rajesh Kumar Ratre S/o Mohan Lal Ratre, Aged About 23 Years Caste - Satnami, R/o Qtr, No. M. 278, Ompur, S E C L Colony Rajgamaar, Tahsil And District Korba Chhattisgarh

---- Applicant
(in jail)

Versus

- State Of Chhattisgarh Through S. H. O. Police Station Balconagar, District Korba Chhattisgarh

---- Respondent

For the Applicant : Shri A.K. Prasad, Advocate.

For the Respondent/State : Ms. K. Tripathi Rao, Panel Lawyer.

Hon'ble the Vacation Judge**Order on board****29/05/2017**

1. The applicant has filed this application under Section 439 of the Cr.P.C. for grant of regular bail as he was arrested in connection with Crime No.260/2015, registered at Police Station-Balconagar, District-Korba(C.G.), for the offence punishable under Sections 363, 366 and 376 of Indian Penal Code(for short 'IPC') and Section 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant has not committed any offence, he has been falsely implicated in the crime in question and he is in custody from 27.03.2017. His bail applications have been rejected by the Courts below. It is submitted that prosecution is not a minor, she had a love affair with applicant and both of them have married and having a child, which was born on 11.8.2016. Father of prosecutrix has lodged a false report against applicant, as he had a grievance for this intercaste marriage. Prosecutrix is residing in the house of applicant. Hence, applicant is entitled for bail. Prayer

has been made for grant of bail.

3. I have heard learned counsel for the parties and perused the case diary. As per the case diary, applicant eloped with prosecutrix on 27.9.2015. One FIR was lodged by Rajesh Upadhyay father of prosecutrix on 28.9.2015 and offence under Section 363 and 366 of IPC was registered against the applicant. Applicant was arrested on 27.3.2017 and prosecutrix was also recovered on the same date from the company of applicant. Statement of prosecutrix has been recorded on 28.3.2017. As per the contents of the case diary, no evidence has been collected so as to show that the age of presecutrix is below 18 years. On the contrary, presecutrix has made a statement, which is not in favour of the prosecution.
4. On the other hand, learned State counsel opposes the bail application.
5. Considering the period of detention of the applicant, fact that he has no criminal antecedent and further considering the fact that disposal of trial will take some time, I am of the view that present is a fit case to enlarge the applicant on regular bail. Accordingly, bail application is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with one solvent surety in the like amount to the satisfaction of the Court below concerned for his regular appearance before it, as & when directed.
6. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Vacation Judge