

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3067 of 2017

- Manoj Kursham S/o Sadku Kursham Aged About 24 Years Caste- Dorla, R/o Village Peddakawali, Police Station Modakpal, Civil And Revenue District- Bijapur, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through: The Station House Officer, Police Station Urga, District- Korba, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Dharmesh Srivastava, Advocate
For Respondent/State	:	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Rajendra Chandra Singh Samant

Order On Board

21/11/2017

1. Heard the matter finally.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 38/2017, registered at Police Station – Urga, District - Korba (C.G.), for the offence punishable under Sections 363, 366A & 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (in short 'the POSCO Act).
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. As per facts of the case, the applicant and the prosecutrix had love affair, they wanted to marry each other, because of which the physical relationship has taken place, on the basis of statement of the prosecutrix before the police

and before the Court no offence is made out, hence, in this situation, the applicant may be enlarged on bail.

4. Learned counsel for the State opposes the bail application and submission made. It is submitted that age of the prosecutrix is 17 years, hence, in this situation, the applicant is not entitled for grant of bail.
5. Heard counsel for the party and perused the case diary.
6. The facts of the case are these that prosecutrix aged about 17 years, went missing on 25.01.2017, a missing report was lodged. The prosecutrix was recovered from the custody of applicant on 11.02.2017, thereafter the offence was registered, charge-sheet has been filed after the investigation.
7. Considering the submission and contents of the case diary and looking to the facts of this case, I am of this view that it is a fit case where the applicant is entitled for grant of bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge