

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.3753 of 2017**

Vikram Mallik, aged about 21 years, S/o Shri Ajay Mallik, caste – Malik (Harijan), R/o Sathuapatna, Marjitapur, Police Station Janapur, District Jajipur (Odisha)

---- **Applicant**

versus

State of Chhattisgarh, Through Station House Officer, Police Station – Kusmunda, District Korba (C.G.)

---- **Respondent**

For Applicant	:	Shri Arun Kochar, Advocate
For Respondent/State	:	Ms. Madhunisha Singh, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board**

13.11.2017

1. This is the first bail application filed under Section 439 Cr.P.C. for grant of regular bail to the Applicant who has been arrested in connection with Crime No.179 of 2016 (Special S.T. No.06/2017) registered at Police Station Kusmunda, District Korba (Chhattisgarh) for the offence punishable under Sections 363, 366A of the IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012.
2. The allegation against the Applicant is that on 27.10.2016, he eloped the prosecutrix aged about 16 years by alluring her that he will marry her. Thereafter, he married her and kept her with him as his wife.
3. Learned Counsel appearing for the Applicant argued that the prosecutrix, in her statements under Sections 161 and 164 Cr.P.C., has categorically stated that she had voluntarily eloped with the applicant. After the elopement they got married and are happily living as husband and wife. The age of the prosecutrix is above 18 years. The prosecution has not adduced any cogent evidence showing that the prosecutrix is a minor girl. Therefore, the age of the prosecutrix as shown by the prosecution is doubtful.

The applicant is in jail since 07.01.2017. Therefore, he may be released on bail.

4. Learned Counsel appearing for the State opposing the bail application submitted that the prosecutrix, at the time of commission of the offence was below 18 years.
5. I have heard Learned Counsel for the parties and perused the entire case diary.
6. A perusal of the case diary and the statements of the prosecutrix would show that she had voluntarily eloped with the applicant and they had also solemnised marriage. They were also living as husband and wife before arrest of the applicant.
7. Taking into consideration the totality of the facts and circumstances of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- with one solvent surety of the like sum to the satisfaction of the concerned Trial Court for his appearance before the concerned Trial Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge