

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. No. 4902 of 2017

Jai Thakur @ Jaikumar S/o Radheshyam Thakur, aged about 22 years, R/o Vyankateshwar Talkies, behind Bajrang Kirana Store, Sanjay Nagar, Supela, Police Station Supela Bhilai, District Durg (C.G.).

--- Applicant

Versus

State Of Chhattisgarh Through Police Station Supela, District Durg (C.G.).

---Non-applicant

For Applicant : Shri Abhishek Saraf, Advocate.

For Respondent/State : Shri Gary Mukhopadhyay, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20/11/2017

1. The applicant has preferred this bail application under Section 439 Cr.P.C. in connection with Crime No.114/2017 registered at Police Station Supela, District Durg (C.G.) for the offence punishable under Section 363, 366 & 376 of I.P.C. and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Present applicant is in jail since 18/03/2017.
3. As per the prosecution case, the present applicant is said to have taken the prosecutrix - a minor girl to different places and in between he is said to have created sexual relationship with the prosecutrix and the victim and the present applicant was recovered by the Police Authorities after about 45 days.
4. The counsel for the applicant submits, that the prosecutrix in the instant case was aged around 17 years and 11 months and that the applicant also is a young boy aged around 22-23 years and that the statement of the prosecutrix would show, that there was an affair between

the present applicant and the prosecutrix for a very long time and that they had voluntarily gone for the marriage and had also performed the marriage and were staying together when they were got by the Police Authorities and thus prayed for the release of the applicant on bail.

5. The State counsel however opposing the appeal submits, that in any case, the prosecutrix had not completed 18 years of age and therefore for all practical purpose, she would be a minor and under the said circumstances, the applicant would not be entitled for grant of bail.

6. Having considered the rival contentions put forth on either side and on perusal of record, undisputedly, the age of the prosecutrix was 1 month short of 18 years and that the statement that she had given in the Court under Section 164 clearly reflects, that there was a love affair between the prosecutrix and the present applicant for a considerable long period of time and they have voluntarily gone to different places and were staying together and had also got married to each other.

7. Under the given circumstances this court is of the opinion that, prima-facie, a strong case has been made out for grant of bail to the present applicant.

8. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on his executing 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. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.

**Sd/-
(P. Sam Koshy)
Judge**

Sumit