

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5039 of 2017

1. Rajsingh Thakur S/o Tejbahadur Singh Thakur Aged About 25 Years R/o Kirari, Police Station Masturi District Bilaspur Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Station Masturi, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant

Shri Awadh Tripathi, Advocate

For Respondent/State

Shri Rajendra Tripathi, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

11/12/2017

1. Heard.
2. The applicant has preferred this application filed under Section 439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with crime No.186/2017 registered in Police Station Masturi, Dist. Bilaspur, for offence punishable under Sections 376(E) of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
3. From the material available in the case diary, it is intimated that the prosecutrix was about 15 years of age on the date of incident, however, in the ossification test her age is

mentioned as 19 years. Some of the witnesses including prosecutrix and her mother have been examined in course of trial.

4. Without commenting on merits, it is highly probable that the applicant and the prosecutrix developed relationship initially on applicant's promise to marry, but they, in fact, married in a local temple. Applicant's grandmother was not willing to accept the girl, therefore, the prosecutrix lodged the FIR. However, as per the statement of her mother PW-4 Santoshi Singh Thakur, applicant's grandmother is now ready to accept the prosecutrix in the family.
5. In the above view of the matter, present appears to be a fit case for grant of bail to the applicant. Accordingly, the application is allowed and the applicant is directed to be released on bail on executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Judge

Prashant Kumar Mishra

Gowri