

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5617 of 2017

Ram Patel S/o Sajuram Aged About 20 Years R/o Nanpulali Police Station Pali, District Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police Station- Pali, District Korba, Chhattisgarh.

---- Respondent

For applicant - Shri Akhtar Hussain, Advocate.
For Respondent/State –Shri Suryakant Mishra, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

21/11/2017

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.66/2017 registered in Police Station Pali, District-Korba (C.G.) for offence punishable under sections 363, 366-A, 376 of IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 26/03/2017 the applicant enticed away the minor girl from the possession of the mother and father, thereafter on the pretext of marriage committed forcefull sexual intercourse. Thereby offence has been committed.
3. Learned counsel for the applicant submits that the prosecutrix was in love relation with the applicant, she herself had joined the company of the applicant, therefore no offence has been committed by the applicant and age of the prosecutrix has also not been substantiated, therefore the applicant may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement of the prosecutrix under Section 161 and 164 of Cr.P.C. Considering the same and apparently the

prosecutrix has crossed the age of 16 years, considering the over all facts of this case, without further observation on the merit, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE