

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5685 of 2017**

- Rahul Barle S/o Ramprasad Barle, Aged About 20 Years, Caste Satnami, R/o Village Malda, P. S. Nandghat, District Bemetara Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh Through Station House Officer Police Station Nandghat, District Bemetara Chhattisgarh.

---- Respondent

For Applicant	:	Shri Aman Kesharwani, Advocate
For Respondent-State	:	Shri S.K. Mishra, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****21/11/2017**

1. 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 on 23.06.2017 in connection with Crime No. 14/17 registered at Police Station Nandghat, District Bemetara (CG) for the offence punishable under Sections 363, 366 (A), 376 of the I.P.C. and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, father of the prosecutrix made a missing report that his minor daughter is missing. Subsequently, the victim was found in possession of the present applicant. After investigation it was revealed that the applicant enticed away the minor girl from the lawful custody of the parents, thereafter, on the pretext of marriage committed sexual intercourse.

3. Learned counsel for the applicant submits that the statement of the prosecutrix has been recorded under Section 164 of the Cr.P.C. which shows that she herself had joined the company of the applicant and the applicant has not enticed her and they stayed together for a considerable period at different places including the Mumbai, therefore, no offence is made out against the applicant and he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case-diary and the statement of the prosecutrix recorded under Section 164 of the Cr.P.C. Considering the statement wherein it is stated that the prosecutrix has performed marriage with the applicant, without any observation on merits, I am inclined to release the applicant on bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum 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/-

Goutam Bhaduri

Judge

Ashu