

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5646 of 2017

Vinod Gilhare S/o Shri Mayaram Gilhare, Aged About 22 Years
R/o Village Dhaneli, P.S. Mujgahan, District Raipur,
Chhattisgarh ---- **Applicant**

Versus

State of Chhattisgarh Through Station House Officer, Police Station
Abhanpur, District Raipur, Chhattisgarh ---- **Respondent**

For the applicant	:	Mr. Keshav Prasad Gupta, Advocate.
For the Respondent	:	Mr. S.R.J. Jaiswal, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21.11.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 207/2017 registered at P.S. Abhanpur District- Raipur (C.G) for the offence punishable under Sections 363, 366 & 376 of IPC and sections 3 & 4 of the Protection of Children from Sexual Offences Act.
2. As per the prosecution case, a report was lodged by the mother of prosecutrix on 26.06.2017 that her daughter was missing. Subsequently, the daughter was found in possession of the present applicant. It is alleged that the applicant had enticed away prosecutrix who is minor on the pretext of marriage and thereafter committed forceful sexual intercourse with her.
3. Learned counsel for the applicant submits that the prosecutrix has been examined before the court below wherein she herself has stated that she insisted to go along

with the applicant as she was in love with him and thereafter, they performed marriage. He further submits that in the ossification test, the age of the prosecutrix is shown to be 21 years, consequently, no offence is made out.

4. Per contra, learned State Counsel opposes the bail application. However, he is unable to dispute the fact that the prosecutrix has not supported the case of prosecution.
5. Perused the statement of prosecutrix. Considering the same, without any further observation on the merits of the case, I am inclined to allow this bail application.
6. Accordingly, this 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 concerned trial Court. He shall also appear before the said Court as and when directed by the said Court.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**