

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6197 of 2017**

- Mahavir Ram S/o Ranjit Ram Aged About 29 Years R/o Village Dondrahi, Police Station Narayanpur, District Jashpur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Kunkuri, District Jashpur Chhattisgarh.

---- Respondent

For Applicant	:	Shri Nitesh Shriwas, Advocate
For Respondent-State	:	Shri Anupam Dubey, Dy. GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****27/11/2017**

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 08.07.2017 in connection with Crime No. 59/2017 registered at Police Station Kunkuri District Jashpur (CG) for the offence punishable under Sections 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, a report was lodged by the brother of the prosecutrix that the present applicant enticed away the minor girl from the lawful custody of the parents, thereafter, committed sexual intercourse.
3. Learned counsel for the applicant submits that inconsistent statement has been given by the prosecutrix under Section 161 & 164 of the Cr.P.C. and before the Child Development Officer and it is also stated that the marriage

was performed. Consequently, no offence is made out against the applicant, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the victim under Section 161 of the Cr.P.C. Considering the same, at this stage, I am not inclined to release the applicant on bail. Accordingly, the bail application is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu