

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 6312 OF 2017

Dayal Singh Dhruv, aged 20 years, S/o Nohar Singh, R/o Village- Hatoud,
P.S. Kasdol, District- Balodabazar-Bhatapara (C.G.)

... Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station-
Kasdol, District Balodabazar-Bhatapara (C.G.)

... Respondent

For Applicant : Mr. Hemant Gupta, Advocate.

For Respondent-State : Mr. Gary Mukhopadhyay, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28/11/2017

1. The present is an application filed under Section 439 of CrPC seeking for grant of bail to the Applicant who is in jail since 13.7.2017 in connection with Crime No.248/2017 registered at Police Station- Kasdol, District Balodabazar-Bhatapara, for the offence punishable under Sections 363, 366 of IPC and Section 12 of the POCSO Act.
2. Allegation against the Applicant as per the prosecution is that the Applicant knowing the fact that the victim in the instant case was a minor, is said to have abducted her and took her to different places.
3. Learned Counsel for the Applicant submits that from the statement of the victim recorded under Section 164 of CrPC it would reveal that she had voluntarily gone along with the Applicant and there was no pressure, coercion or abduction made by the Applicant. He further submits that the age of the victim as per the prosecution itself is around 17 years and the Applicant is also a young boy of aged around 20 years and it is because of folly of youth that both of them had eloped from the house.

4. Learned Counsel for the State however opposing the bail application submits that it is a case where the Applicant was fully aware of the age of the victim yet he had taken her with him at different places and kept her under his custody.

5. Considering the entire facts and circumstances of the case particularly the age of the victim and the Applicant and also taking note of the statement of the victim recorded under Section 164 of CrPC, this Court is of the opinion that prima facie a strong case is made out for grant of bail to the Applicant.

6. Accordingly, the application for grant of bail is allowed. It is ordered that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge