

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6620 of 2017**

- Rahul Kumar Joshi S/o Sukhdas Joshi, Aged About 19 Years Caste Satnami, R/o Village Birebhath, Police Station Nandini, District Durg Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Nandini Nagar, District Durg Chhattisgarh.

---- Respondent

For Applicant	:	Shri Aman Kesharwani, Advocate
For Respondent-State	:	Shri Niraj Sharma, Dy. GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****06/12/2017**

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 20.05.2017 in connection with Crime No. 123/2017 registered at Police Station Nandini Nagar, Distt. Durg (CG) for the offence punishable under Sections 363, 366, 376 of the I.P.C. and Sections 5 (L) & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 15.05.2017 a missing report was lodged by the father of the prosecutrix that her daughter is missing. Subsequently, when her daughter was recovered it was revealed that the present applicant has allured and enticed away the daughter from the lawful custody of the parents and on the pretext of marriage committed forceful sexual intercourse.

3. Learned counsel for the applicant submits that noting has been stated against the present applicant in the statement recorded under Section 161 of the Cr.P.C. and only on the apprehension the applicant has been arrested. He would further submit that the prosecutrix was more than 16 years, therefore, the applicant 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 statements recorded under Sections 161 & 164 of the Cr.P.C. as also the medical report. The medical report do not show any external injury. Considering the same and the statements recorded under Sections 161 & 164 of the Cr.P.C., 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