

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6672 of 2017**

- Shankar Minj S/o Jender Minj Aged About 21 Years R/o Bartikra Police Station Darima Tehsil Ambikapur District Surguja Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Darima District Surguja Chhattisgarh.

---- Respondent

For Applicant	:	Shri Sanjeev Verma, Advocate
For Respondent-State	:	Shri Anupam Dubey, GA for the State.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****05/12/2017**

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 03.06.2017 in connection with Crime No.46/2015 registered at Police Station Darima, District Surguja (CG) for the offence punishable under Sections 363, 366, 376 (2) (ॢ) of IPC and Sections 5 ॢ, & 6 of the POCSO Act.
2. As per the prosecution case, in the year 2015 a report was made by the father of the victim namely Johari Minj that the present applicant has enticed away the minor girl from the lawful custody of the of the parents on the pretext of marriage and thereafter when the girl was recovered it was stated that she was subjected to forceful sexual intercourse.
3. Learned counsel for the applicant submits that the prosecutrix herself had

eloped with the applicant and they were in love relation and have performed marriage and out of the wedlock one child was born, which would be evident from the statement of the girl, 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 statement of the victim recorded under Sections 161 & 164 of the Cr.P.C. It appears that the girl has performed marriage with the applicant. Considering the same and the fact that the charge-sheet in this case has been filed, 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