

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6675 of 2017

Samaru Patel S/o Shri Shankar Patel Aged About 19 Years R/o
Barbaspur, Police Station Urga, District Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station- Kotwali, Korba, District Korba, Chhattisgarh.

---- Respondent

For applicant - Shri P.K. Patel, Advocate.
For Respondent/State –Shri S.R.J. Jaiswal, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

5/12/2017

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.452/2017 registered in Police Station Kotwali, Korba, Distt. Korba (C.G.) for offence punishable under sections 363, 366(A), 376 of IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that a missing report was made by mother of the prosecutrix on 5/07/2017 that her minor daughter is missing from her custody and thereafter when the girl was found on investigation it revealed that the applicant allured the victim, abducted her from the lawful custody of her parents and committed sexual intercourse.
3. Learned counsel for the applicant submits that statement of the victim would show that she was in love relation with the applicant and she herself had joined the company of the applicant and the age as on date is not been properly established she was more than 16 years and statement under section 164 Cr.P.C. also do not support any happening of the incident, therefore the applicant may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the statement of the victim under Section 161 and 164 of Cr.P.C. Charge sheet in this case has been filed. Considering the statement of the victim, without further observation on the merit, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE