

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6928 of 2017

1. Deepak Deep S/o Daya Deep, Aged About 22 Years R/o New Basti Motinagar, Police Station Tikrapara, Raipur, District Raipur, Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through Police Station Tikrapara, District Raipur, Chhattisgarh

---- Respondent

For Applicant

Shri U.K.S. Chandel, Advocate

For Respondent/State

Shri Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

13/12/2017

1. Heard.
2. The applicant has preferred this application filed under Section 439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with crime No.355/2017 registered in Police Station Tikrapara, Raipur for offence punishable under Sections 363, 366 & 376 of the Indian Penal Code and Sections 3 & 4 of the Protection of Children from Sexual Offences Act, 2012.
3. A bare perusal of the case diary would indicate that the prosecutrix and the applicant were in love, therefore, they got married in Arya Samaj Temple. The prosecutrix is a Muslim Girl. In the birth certificate, her date of birth is mentioned as

13-10-1999 whereas in 9th class mark sheet issued by Vidya Utkarsh Higher Secondary School, Raipur, her date of birth is recorded as 14-7-1998. The prosecutrix has not been subjected to ossification test.

4. Learned counsel appearing for the State would oppose the bail application.
5. Considering the facts and circumstances of the case; particularly considering two different documents concerning the date of birth of the prosecutrix; further considering the fact regarding the previous relationship of the applicant and the prosecutrix; and also the fact that the applicant is in jail since 12-7-2017, this Court is inclined to release the applicant on bail. Accordingly, the application is allowed and the applicant is directed to be released on bail on executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount 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/-

Judge

Prashant Kumar Mishra

Gowri