

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2917 of 2017

- Rajkumar Deewan S/o Udhoram Deewan, Aged About 24 Years R/o Village Rikokala, Thana Rajadeori, Civil And Revenue Baloda Bajar Bhatapara Chhattisgarh
--- **Applicant**

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Rajadeori, District Baloda Bajar Bhatapara Chhattisgarh ---
Respondent

For the applicant	:	Mr. Govindram Miri, Advocate with Mr. Basant Kaiwartya, Advocate
For the State	:	Mr. Anupam Dubey, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10.05.2017

1. This is 3rd bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.20/2016 registered at P.S. Rajadeori, Baloda Bazar Bhatapara (C.G) for the offence punishable under Sections 363, 366, 343, 368, 376, 506/34 of IPC and section 17, 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, the report was lodged by the prosecutrix on 08.05.2016 that on 04.05.2016 the applicant who was married earlier, enticed away the prosecutrix who is a minor from the lawful guardianship of her parents and thereafter committed forcible sexual intercourse with her.
3. Learned counsel for the applicant would submit that this is 3rd bail application, the first bail was dismissed on 19.08.2016 with liberty to revive the same after examination of the prosecutrix and thereafter, the second bail application was again withdrawn on 13.12.2016. He submits that that

now the prosecutrix has been examined on 22.2.2017 and on perusal of para 5 of her statement it would reveal that she was in love relations with the applicant and she herself has stated that she went to meet the applicant after 3 days of his marriage knowing fully well that the marriage of the applicant was performed with another lady before three days.

4. On the other hand, learned State Counsel opposes the prayer.
5. Perused the statement of the prosecutrix as also the case diary which contains the map, MLC etc. In the MLC the probable age of the prosecutrix is stated to be 16-18 years. Considering such facts situation of the case, without any further observation on merits of the case, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his execution a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**