

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 582 of 2018

Praful Sahu S/o Pushtam Sahu Aged About 25 Years R/o Village
Bhatrabahli, Post Office And Police Station-Devbhog District
Gariyaband Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Amlipadar, District Gariyaband Chhattisgarh

---- Respondent

For applicant - Shri Shivendu Pandya, Advocate.
For Respondent/State –Shri S.R.J. Jaiswal, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

26/03/2018

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.23/2017 registered in Police Station Amlipadar, District Gariyaband (C.G.) for offence punishable under sections 363, 366, 376(2)(n) of IPC, 3(2)(5) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and 4/6 of the Protection of Children from Sexual Offences Act, 2012 (As per charge sheet).
2. As per the prosecution case, the applicant enticed away the minor girl from the lawful custody of the father and mother on the pretext of marriage and thereafter took her to different city and committed sexual intercourse.
3. Learned counsel for the applicant submits that as per the statement of the prosecutrix under section 164 of the Cr.P.C. it would show that applicant and the prosecutrix after performance of the marriage were living together and since report was made by the father, thereafter the applicant was arrested, therefore the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the case diary and also perused the statement of the prosecutrix under Section 161 and 164 of Cr.P.C. wherein prosecutrix has stated that she had performed marriage with the applicant. Considering the facts and circumstance of the case, 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