

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 183 of 2018

Vikash Jesia S/o Late Shri Ramfal Jesia Aged About 26 Years
R/o Village Gohana Vijay Nagar, Police Station- Gohan, Tah-
Gohana, Distt. Sonipath Haryana.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police
Station- Bemetara, Distt. Bemetara Chhattisgarh.

---- Respondent

For the applicant	:	Mr. Aman Kesharwani, Advocate
For the respondent	:	Mrs. Madhunisha Singh, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.03.2018

1. This is first bail application filed u/s 439 of the Code of Criminal Procedure for grant of bail to the applicant in connection with Crime No. 132/2017 registered at Police Station Bemetara, District- Bemetara (C.G.) for the offence punishable under sections 363, 366 & 376 of IPC and section 5(ठ) of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a report was made by the complainant on 03.03.2017 that her minor daughter was allured and was taken away from the lawful custody of the parents on the pretext of marriage and thereafter the applicant has committed forceful sexual intercourse with her thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the

applicant and the prosecutrix were in love relations and the statement of the prosecutrix has been recorded wherein she has stated that she has performed marriage with the applicant therefore, no offence is made out.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary documents. In the statement of the prosecutrix recorded before the CWC as also the statement recorded under section 164 of Cr.P.C. the prosecutrix has stated that she has performed marriage with the applicant. Considering the same and the background of the case, I am inclined to allow this bail petition.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his furnishing 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.
7. Cc as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**