

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 692 of 2018

Rajesh S/o Bihari Lal Aged About 29 Years Caste Sahu, R/o
Village Boirdih, P. S. Sakti, District Janjgir Champa
Chhattisgarh --- **Petitioner**

Versus

State of Chhattisgarh through the Station House Officer,
Police Station Sakti District Janjgir Champa Chhattisgarh, ---
Respondent

For the applicant	:	Mr. Ishwar Jaiswal, Advocate.
For the Respondent	:	Mr. Suryakant Mishra, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.03.2018

1. This is first 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. 240/2016 registered at Police Station Sakti, Distt. Janjgir Champa (C.G) for the offence punishable under Sections 363, 366 & 376 of IPC and Section 6 of the Protection of Children from Sexual Offences Act.
2. As per the prosecution case, in the intervening night of 18th and 19th August, 2016 the applicant forcibly took away the prosecutrix from the lawful custody of her parents on the allurement of marriage and thereafter committed sexual intercourse with her. The case was registered on the missing report of the father.
3. Learned counsel for the applicant submits that the prosecutrix herself went along-with the applicant and both they have performed marriage and out of the wedlock a child was also born to them. He further submits that the

prosecutrix has not supported the case of prosecution and has completely turned hostile.

4. Per contra, learned State Counsel opposes the bail application. However, he is not able to dispute the fact that the prosecutrix has not supported the case of prosecution.
5. Perused the statement of P.W.2, the prosecutrix wherein she has denied the case of prosecution.
6. Considering the statement of P.W.2 the prosecutrix, without any further observation on merits of the case, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**