

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7655 of 2017

- Shashi Bhushan Kumar Poddar S/o Shambhu Poddar, Aged About 19 Years R/o Baro Shiv Mandir Tola, Police Station Kulbadiya District Begusaray Bihar , Bihar

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kotra Road, District Raigarh Chhattisgarh , Chhattisgarh

---- Respondent

For Applicant	:	Mr. Ashish Gupta, Advocate.
For Respondent/State	:	Mr. N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

16/02/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 69/2017, registered at Police Station- Kotra Road, District – Raigarh(C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code (for short 'IPC') and Sections 4, 6 of Protection of Sexual Offences Act.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. Applicant is in jail since 18.8.2017. The age of prosecutrix is above 18 years on the date of incident. The applicant and prosecutrix both had love affair between them and both of them have married and their relationship was based on consent. Prosecutrix has stayed with this applicant for about two months in Delhi willingly. A false report has been lodged by the father of

prosecutrix, because of which the case has been registered against this applicant, hence, it is prayed that applicant released for grant of regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that age of the prosecutrix on the date of incident was about 16 years and theory of consent of her is totally immaterial. Hence, no case is made out for grant of bail.
4. Heard both the parties and perused the case diary.
5. The case of prosecution in brief is this, that applicant, who is a Karate Instructor was giving tuition to the prosecutrix and then on his giving allurement, prosecutrix eloped with him. Thereafter, the FIR lodged by father of the prosecutrix. The prosecutrix was recovered from the custody of this applicant on 16.8.2017, whereof by the prosecution case has been registered against him.
6. Considered.
7. Looking to the submission made and the statement of the prosecutrix given before the trial Court, I am of this view that applicant should be benefited with grant of regular bail during the pendency of trial against him.
8. Accordingly, the first bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

