

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1124 of 2018

Sikandar Sagarwanshi S/o Sukhdev Sagarwanshi Aged About
22 Years R/o- Nearby Mauli Mata Temple, Tikrapara, P.S.-
Tikrapara, Raipur, District- Raipur, Chhattisgarh

--- Petitioner

Versus

State of Chhattisgarh through- S.H.O. Police Station
-Mujgahan, District- Raipur, Chhattisgarh **--- Respondent**

For the applicant	:	Mr. Pushkar Sinha, Advocate.
For the Respondent	:	Mrs. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.04.2018

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. 228/2017 registered at Police Station Mujgahan, Distt. Raipur (C.G) for the offences punishable under Sections 363, 366, 376 of IPC and sections 4 & 6 of Protection of Children from Sexual Offences Act.
2. As per the prosecution case, a report was made that on 23.10.2017 the present applicant has enticed and took away the minor girl from the lawful custody of the parents and thereafter on the pretext of marriage committed forcible sexual intercourse with her, thereby the offence has been committed.
3. Learned counsel for the applicant submits that the statement of prosecutrix was recorded u/s 164 Cr.P.C., wherein no allegation of rape has been attributed. He further submits that the charge sheet has been filed and the applicant is in

jail since 26.10.2017, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
 5. Perused the statement of the prosecutrix recorded u/s 164 of the Code of Criminal Procedure and the statement given before the Child Welfare Committee, Raipur. Before the Child Welfare Committee, it is stated that the victim was in love relations with the applicant and in the statement of 164 Cr.P.C., no allegations of rape has been attributed. The medical report also shows that no opinion can be given about the forcible rape.
 6. 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**