

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 1573 of 2018**

Avon Singh Thakur S/o Bahadur Thakur Aged About 27 Years R/o Village Bamhani Pujaripara Police Station And District Kondagaon, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Kondagaon, District Kondagaon, Chhattisgarh.

----Non-applicant

For Applicant	:	Mr. P.K. Tulsyan, Advocate
For State	:	Mr. Aushutosh Pandey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****16/04/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 216/2017 registered at Police Station Kondagaon, District Kondagaon, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of Indian Penal Code and Section 6 of Protection of Children from the Sexual Offences Act, 2012.
2. The present applicant is in jail since 08.10.2017 in connection with the aforesaid Crime number.
3. The allegation against the present applicant as per the prosecution case is that on the pretext of marriage, the present applicant is said to have ravished the prosecutrix knowing fully well that she was a minor. The counsel for the applicant at the outset submits that the statement of the prosecutrix recorded under Section 164 itself would reveal that there was a love affair between the present applicant and the prosecutrix since the year 2015 and both of them intended to

marry at a later stage. Meanwhile, there was a report lodged by the Mahila Bal Vikas department on the basis of which the F.I.R. has been lodged and that the prosecutrix as such never intended to file a complaint against the present applicant and thus prayed for the present applicant to be released on bail.

4. This aspect is not controverted by the State counsel on perusal of the statement of the prosecutrix under Section 164 recorded during the course of investigation.
5. Given the aforesaid facts and circumstances of the case, particularly the statement of the prosecutrix under Section 164, this Court is of the opinion that prima facie a strong case has been made out for grant of bail to the applicant. Accordingly, the present application for grant of bail is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge