

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MISC. CRIMINAL CASE NO. 1650 OF 2018**

Harish Singh Maravi, S/o Chandra Kishor Singh Maravi, aged about 22 years, Cast- Gond, R/o Village Radhapur (Dhaurapara), Thana Seetapur, District Surguja (C.G.)

... Applicant**versus**

State of Chhattisgarh, through Police Station- Seetapur, Distt Surguja (C.G.)

... Respondent

For Applicant	:	Mr. A.K. Yadav, Advocate.
For Respondent-State	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****23/04/2018**

1. The present is an application filed under Section 439 of CrPC seeking for grant of bail to the Applicant who is in jail since 16.11.2017 in connection with Crime No. 235/2017 registered at Police Station- Seetapur, District- Surguja, for the offence punishable under Sections 363, 366-A, 115, 376, 506-B of IPC and Sections 3, 4, 17 of the POCSO Act.
2. Case against the Applicant as per the prosecution is that the Applicant knowing fully well that the Prosecutrix was a minor girl is said to have abducted her and had taken her to different places and kept her in his custody away from her natural guardian and in between he is said to have ravished the Prosecutrix in the jungle.
3. Learned Counsel for the Applicant submits that the age of the Prosecutrix as per the school certificate is 17 years 7 months and 4 days, that is, she was a major lady and that from her statement recorded under Section 164 of CrPC it clearly reflects that the Prosecutrix had a love affair with the Applicant and that they had voluntarily gone from one place to another without any objection on the part of the Prosecutrix or force being used by the Applicant.

4. Learned Counsel for the State however opposing the bail application submits that in any case since the Prosecutrix was less than 18 years she would not be a minor and even if there was any element of consent on the part of the Prosecutrix it is of no significance.

5. Given the facts and circumstances of the case, particularly taking note of the contents of the statement of the Prosecutrix recorded under Section 164 of CrPC and also the fact that the Prosecutrix had voluntarily gone from one place to another without any sign of objection being used while her going along with the Applicant, this Court is of the opinion that prima facie a strong case is made out for grant of bail to the Applicant.

6. Accordingly, the application for grant of bail is allowed. It is ordered that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed by the Trial Court.

Sd/-
(P. Sam Koshy)
Judge