

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1863 of 2018

Deepak Kumar S/o Dilip Kumar Aged About 22 Years Caste Dewar,
R/o Village Baloda, P. S. Baloda, District Janjgir Chmapa
Chhattisgarh-
- Petitioner

Versus

State of Chhattisgarh through The District Magistrate Janjgir District
Janjgir Chmapa Chhattisgarh,

---- Respondent

For the applicant	:	Mr. M.K. Chatterjee, Advocate.
For the Respondent	:	Mrs. Madhunisha Singh, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.04.2018

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. 53/2017 registered at Police Station Shivarinarayan, District- Janjgir- Champa (C.G) for the offences punishable under Sections 363, 366, 376 (2)(dha) of IPC and section 6 of the Protection of Children from Sexual Offences Act.
2. As per the prosecution case, a report was made by the complainant namely Shakun Kurmi on 08.03.2017 that the present applicant allured the minor daughter of the complainant and has taken away the girl from the lawful custody of her parents on 24.02.2017 and thereafter committed forceful sexual intercourse.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated and major contradictions exists in the date of birth certificates as one certificate shows that

the date of birth was 05.07.1995 and the another shows that it was 03.06.1995 and further the report shows that the prosecutrix was aged about 17 years & 6 months and was major. He further submits that the prosecutrix herself joined the company of the applicant and thereafter married to him.

4. Per contra, learned State Counsel opposes the bail application.
5. Perused the statement of the victim under section 164 Cr.P.C. wherein she has stated that she has performed marriage with the applicant and also perused the statement recorded before the child welfare committee. Considering the same, without any further observation on the merits of the case, I am inclined to allow this bail application.
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**