

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2013 of 2018**

- Harishankar S/o Budhlal Aged About 26 Years Caste- Lohar, R/o- Akalsara, Police Station- Baradwar, Tahsil- Sakti, District- Janjgir-Champa, Chhattisgarh

----Applicant**Versus**

- State of Chhattisgarh Through- Station House Officer, Police Station- Baradwar, Tahsil- Sakti, District- Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant	:	Shri Yogeshwar Sharma, Advocate
For Respondent – State	:	Shri S.K. Mishra, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****01/05/2018**

1. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 14.12.2017 in connection with Crime No.21/2014 registered at Police Station Baradwar, Tahsil- Sakti, District-Janjgir-Champa (CG) for the offence punishable under Sections 363, 366 & 376 IPC and Sections 4 & 6 of Protection from Children from Sexual Offences Act, 2012.
2. As per the prosecution case, it is alleged that the present applicant has allured the victim from the lawful custody of the parents on the pretext of marriage and committed sexual intercourse in the year 2014 itself. Subsequently, the applicant was arrested on 23.02.2018. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the victim was major and

she herself went along with the applicant. He further submits that the applicant and the victim have performed marriage and out of the wedlock one child is also born and presently the victim is pregnant, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case-diary and statement. In the statement under Section 164 Cr.P.C. the victim has stated that the applicant and the victim have performed marriage two years back and child is also born. Considering the statement without any further observation on merits of this case, I am inclined to release the applicant on bail.
6. Accordingly, the 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 trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri

Judge

Ashu