

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2400 of 2018

- Lokesh Kumar Sen S/o Durgaram Sen, Aged About 30 Years, R/o- Village Chamela, Police Station Khadgaon, Tehsil- Manpur, District- Rajnandgaon, Chhattisgarh.

---- Applicant (in Jail)

Versus

- State Of Chhattisgarh Through- The Police Station Khadgaon, Tehsil Manpur, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	: Shri Shaleen Singh Baghel, Advocate
For Respondent/State	: Shri Shashank Thakur, G.A.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

23/05/2018

The applicant has preferred this bail application under Section 439 of the Cr.P.C. as he has been arrested in connection with Crime No. 09/2018 registered at Police Station Khadgaon, district Rajnandgaon for the offence punishable under Sections 363, 366, 376 IPC and Section 4 & 6 of the Protection of Children from Sexual Offences Act.

It is alleged that the applicant has abducted the prosecutrix who is aged less than 18 years, with an intention to compel her to marry and developed physical relations with her.

Case diary reveals that the prosecutrix was studying in Class XI and accused in Class XII at the same school. Both of them developed intimacy and they had been moving around different places frequently during their affair. The applicant had brought her to his house in the month of November 2017 and since then they had physical relations on number of occasions.

They eloped on 16.02.2018 for which father of the prosecutrix lodged a missing report without naming the applicant and they were recovered from Yavatmal while working in a brick kiln over there.

Counsel for the applicant submits that the offence alleged is triable by Judicial Magistrate First Class, the applicant is in jail since 27.02.2018 and the trial may take sometime for its final disposal and therefore he may be released on bail.

On the other hand, learned counsel for the State opposes the bail application.

Considering the prior intimacy between the applicant and the prosecutrix and the delay in lodging the FIR, this Court is inclined to release the applicant on bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant furnishing a personal bond of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned court below for his appearance before it as and when directed, he shall be released on bail.

Sd/-

(Prashant Kumar Mishra)
Vacation Judge