

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3091 of 2018**

- Vishal Salam S/o Lutta Aged About 31 Years R/o Zone 1, Block- 15, Near Gali Khani Office, Durg, District Durg, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Chhawani, Bhilai District Durg, Chhattisgarh

---- Respondent

For Applicant	:	Shri Anurag Jha, Advocate
For Respondent /State	:	Shri SK Mishra, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****26/06/2018**

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 09.02.2018 in connection with Crime No.344/2017 registered at Police Station Chhawani Bhilai District Durg (CG) for the offence punishable under Sections 363, 366 & 376 IPC and Sections 5 (L) /6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 17.07.2017 the applicant enticed away the minor girl from the lawful custody of the parents and thereafter committed forceful sexual intercourse. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated. He further submits that the prosecutrix herself went along with the applicant and performed marriage which would be evident from the statement under Section 164 Cr.P.C., therefore, no offence has been made

out and the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the prosecutrix under Section 164 Cr.P.C., wherein she has stated that she has performed marriage with the applicant. Considering the same without any further observation on merit, 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