

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2894 of 2018

1. Tushant Pandey @ Chhotu Pandey S/o Mahavir Pandey Aged About 19 Years R/o- Village- Mahka, P.S. Kharsiya, At Present Madanpur, P.S. Kharsiya, District-Raigarh, Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through-Station House Officer, P.S. Kharsiya, District- Raigarh, Chhattisgarh

---- Respondent

For Applicant
For Respondent/State

Shri Vineet Kumar Pandey, Advocate
Shri Gary Mukhopadhyay, Govt. Advocate

Hon'ble Vacation Judge

Order On Board

25/05/2018

1. Heard.
2. The applicant has preferred this application filed under Section 439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with crime No.378/2017 registered in Police Station Kharsiya, District Raigarh (CG) for the offence punishable under Sections 366A & 376 of the Indian Penal Code and Sections 4 & 6 of the Protection of Children From Sexual Offences Act, 2012.
3. Case of the prosecution, in brief, is that the present applicant is said to have enticed and abducted the prosecutrix; taken her to different places and in the said course, the present applicant is also said to have developed physical relations with the prosecutrix.
4. Learned counsel appearing for the applicant would submit that a plain reading of the statement of the prosecutrix would manifest that the

present applicant has never used any force for abducting the prosecutrix. He would further submit that the statement of the prosecutrix would reveal that she had voluntarily gone with the present applicant. Counsel would next submit that the contents of the statement of prosecutrix also show that there was a love affair between the applicant and the prosecutrix; they have eloped from her house and subsequently the prosecutrix was recovered by the parents.

5. On the other hand, learned counsel appearing for the State would oppose the application for grant of bail. Learned State counsel would submit that the age of the prosecutrix goes against the applicant inasmuch the prosecutrix in the instant case was aged about 14 years and, as such, even if there was a love affair between the applicant and the prosecutrix, the same is of no assistance to the applicant, therefore, the bail application deserves to be dismissed.
6. Having heard learned counsel for the parties and considering the facts and circumstances of the case; further considering the fact that the applicant is in jail since 27-2-2018; also taking note of the fact that the applicant being teenager and the statement of the prosecutrix shows that there was a love affair between the two and they had willingly & voluntarily eloped from the house of the prosecutrix, this Court is inclined to release him on bail. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount 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/-

(P. Sam Koshy)
Vacation Judge