

HIGH COURT OF CHHATTISGARH AT BILASPUR

(Single Bench : Hon'ble Shri Ram Prasanna Sharma, J)

MCRCA No. 507 of 2018

- Deepak Patle S/o Thanwar Patle Aged About 30 Years R/o Village Baikoni, Police Station And Tahsil Simga, District Baloda Bazar- Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Police Station Simga, District Baloda Bazar- Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For Applicant : Ms. Mandavi Bharadwaj, Advocate.

For State : Mr. Sanjeev Pandey, Govt. Advocate.

ORAL ORDER

27-6-2018

1. The applicant has preferred this bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 85 of 2016 registered in Police Station Simgla, District Baloda Bazar- Bhatapara (CG) for offence punishable under Sections 363 of the IPC and Sections 16 & 17 of the Protection of Children from Sexual Offences Act, 2012.
2. The case of the prosecution, in brief, is that the present applicant abducted the prosecutrix who is a minor girl from her lawful guardianship and thereby he committed the aforesaid offence.
3. Learned counsel appearing for the applicant would submit that present applicant has been falsely implicated in the case. He would further submit that the prosecutrix voluntarily went along with applicant, got married with him and stayed at various places together, therefore, the benefit of anticipatory bail may be extended to the applicant.

4. On the other hand, learned counsel appearing for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and considered their rival submissions made therein and perused the case diary with utmost circumspection.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence and further taking into consideration the fact that there is *prima facie* evidence regarding minority of the prosecutrix and investigation is not completed, I am not inclined to extend the benefit of anticipatory bail to the applicant.
7. Accordingly, the instant M.Cr.C.(A) is liable to be and is hereby rejected.

Sd/-

(Ram Prasanna Sharma)

Judge

Raju