

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3081 of 2018**

- Chandrashekhar, S/o Janak Lal Chaturvedi, Aged About 20 Years R/o Village- Kharhari, Police Station Nawagarh, District Bemetara, Chhattisgarh

----Applicant**Versus**

- The State of Chhattisgarh Through The Police Station- Rakhi, District Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri MK Bhaduri, Advocate
For Respondent /State	:	Shri SRJ Jaiswal, 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 17.03.2018 in connection with Crime No.75/2017 registered at Police Station Rakhi, District Raipur (CG) for the offence punishable under Sections 363, 366 & 376 IPC and Sections 3, 4 & 6 of the Protection of Children from Sexual Offences Act.
2. As per the prosecution case, a missing report was lodged by the father of the prosecutrix that she is missing since 13.05.2017 subsequently, the prosecutrix was recovered from the possession of the applicant and it was discovered that the applicant enticed away the minor girl from the lawful custody and thereafter committed forceful sexual intercourse. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the age of the prosecutrix

has not been proved and the statement under Section 164 Cr.P.C. would show that she herself had went along with the applicant and performed marriage with him, 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 statements and 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 and also taking into that the charge-sheet in this case has been filed and no further investigation is necessary, without any further observation on merits, 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