

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3164 of 2018

Dinesh Kumar S/o Shri Ishwar Prasad Tandon Aged About 27 Years
R/o Barchha, Police Station Arang, District Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Civil Line Nagar Raipur, District Raipur, Chhattisgarh.

---- Respondent

For applicant - Shri Pradeep Singh Rathore, Advocate.
For Respondent/State –Shri Suryakant Mishra, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

29/06/2018

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.179/2018 registered in Police Station Civil Line Nagar Raipur, District Raipur (C.G.) for offence punishable under sections 366, 363, 376 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, the applicant in the month of March, 2018 enticed away the minor girl from the lawful custody of her parents and on the pretext of marriage committed forceful sexual intercourse. Subsequently, the girl was recovered from the possession of the applicant.
3. Learned counsel for the applicant submits that statement under Section 161 of Cr.P.C. would show that both of them have performed marriage and they were in love relation and she herself went along with the applicant, therefore under the circumstances prosecutrix is legally wedded wife of the applicant. He further submits that charge sheet has been filed, no further investigation would be necessary, therefore the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the statement of prosecutrix under section 161 of Cr.P.C. wherein she has stated that she has performed marriage with the applicant in the temple and was in love relation with the applicant. Considering the facts and circumstances of the case, charge sheet has been filed, without further observation on the merits, this court is inclined to release the applicant on bail.

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

Sd/-

(Goutam Bhaduri)

JUDGE