

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 3525 of 2018**

Rajesh Ekka S/o Chhandan Sai, Aged About 25 Years, R/o-
Hardisand, Police Station Tahsil Sitapur, District- Surguja,
Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through- Police Station Sitapur, District-
Surguja, Chhattisgarh

---- Respondent

For Applicant	:	Shri Manoj Paranjpe, Advocate
For Respondent/State	:	Shri Majid Ali, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****04/07/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 13.06.2017 in connection with Crime No. 88/2017 registered at Police Station- Sitapur, District Surguja (CG) for the offence punishable under Sections 363, 366, 376 (2) (n) of IPC and Section 5(I) & 6 of Protection of Children from Sexual Offences Act, 2012.

2. The allegation against the present applicant as per the prosecution is that knowing fully well that the prosecutrix is a minor, the applicant is said to have abducted/kidnapped the prosecutrix and kept her in his confinement without consent of her parents and thereafter is said to have maintained physical relationship with her on the pretext of marriage.

3. Counsel for the applicant submits that except for the allegation of

the prosecutrix being a minor, the entire prosecution story would show that there is a great element of consensual relationship between the applicant and the prosecutrix. He submits that the applicant has already remained in custody for more than one year and prays for grant of bail to the applicant.

4. State counsel, however, opposing the bail application submits that at the relevant point of time the prosecutrix was a minor aged around 16 years .

5. Having heard the counsel for the parties and perusal of the record, undisputedly the prosecutrix in her statement has stated that there was love affair between her and the applicant and that they had voluntarily eloped from the house and stayed at different locations for a considerable period of time and voluntarily had physical relationship which establishes the consensual relationship between the applicant and the prosecutrix. Moreover, perusal of the record would show that the age of the prosecutrix as per the prosecutrix herself was more than 16 years.

6. Given the said facts and also considering the period of custody already undergone, this Court is of the opinion that prima facie, a strong case for grant of bail has been made out.

7. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

**Sd/-
(P. Sam Koshy)
Judge**