

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 3439 of 2018**

Raja @ Harish Verma S/o Parath @ Paras Verma, aged about 19 years, R/o village Mohara, Out Post Mohara, Thana Dongargarh, District Rajnandgaon, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh through Thana - Dongargarh, District- Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	:	Shri Samir Singh, Advocate
For Respondent/State	:	Shri Majid Ali, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****26/06/2018**

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 23.11.2017 in connection with Crime No. 196/2017 registered at Police Station - Dongargarh, District Rajnandgaon (CG) for the offence punishable under Sections 363, 376, 450 of IPC & Sections 3 & 4 of Protection of Children from Sexual Offences Act.

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 ravished her.

3. Counsel for the applicant submits that a plain reading of the

statement of the prosecutrix would clearly reflect that applicant and prosecutrix were having a love affair and that she had given consent to have physical relationship. He submits that the prosecutrix had voluntarily left her house and gone along with the applicant to different places and had physical relationship. He further submits that the age of the prosecutrix is almost 17 years as per the school record. Thus, prayed for grant of bail to the applicant.

4. State counsel, however, opposing the bail application submits that in any case the age of the prosecutrix was less than 18 years and that she was a minor, therefore, even if there was an element of consent, it is of no consequence and prayed for rejection of the bail application.

5. Having heard the contentions put forth on either side and on perusal of record, particularly taking note of the age of the prosecutrix which is around 17 years and also taking note of her statement wherein it reflects that the prosecutrix had voluntarily gone to different places and had physical relationship, moreover there is no element of any force, coercion or pressure, this Court is of the opinion that prima facie a strong case for grant of bail has been made out.

6. 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**