

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 3507 of 2018**

Dhanendra Barle S/o Gokul Prasad Barle Aged About 22 Years R/o-
Village Kesla, Post Amodi, P.S. Arang, District- Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Kurud, District-
Dhamtari, Chhattisgarh.

----Non-applicant

For Applicant	:	Mr. R.K. Pali, Advocate
For State	:	Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****28/06/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 153/2018 registered at Police Station Kurud, District Dhamtari, Chhattisgarh for the offence punishable under Sections 363, 366, 376, 376 of Indian Penal Code and Sections 4 & 8 of Protection of Children from the Sexual Offences Act, 2012.
2. The present applicant is in jail since 31.03.2018 in connection with the aforesaid Crime number.
3. The case of the prosecution against the present applicant is that the present applicant knowing well the fact that the prosecutrix is a minor is said to have abducted her and has taken her to different places and is said to have had physical relationship with her.
4. The counsel for the applicant submits that the plain reading of the statement of the prosecutrix under Section 161, so also under Section 164 would reveal that it is a clear case of consensual relationship

between the two. He further submits that it is a case where from the evidence itself, it is clear that the prosecutrix had of her own left the house and had by Bus travelled from her resident to Kurud and from Kurud she went to the house of the applicant and stayed there for sometimes and in between had physical relationship. The prosecutrix herself makes a submission that later on they had also married. Given all these facts, the counsel for the applicants prayed that the applicant may be released on bail.

5. The State counsel however opposing the bail application submits that the prosecutrix was below 18 and that she was a minor and therefore even if there is an element of consent, the same is of no consequence and the bail application deserves to be rejected.
6. Having heard the contentions put forth on either side and on perusal of record, particularly taking into consideration the age of the prosecutrix which was almost 18 years and the fact that she had voluntarily left her own and travelled by Bus from her residence to Kurud and from Kurud she went on a motorcycle with the applicant and stayed with him for a couple of days, forces this Court to reach to a conclusion that a strong case for grant of bail to the applicant is made out. Accordingly, the present application for grant of bail is allowed.
7. It is directed that the applicant shall 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 Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge