

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 3508 of 2018**

Balram Dhruv S/o Rajkumar Dhruv Aged About 20 Years R/o- Village Dhaurabhatha, P.S. Bhatapara (Grameen), Civil And Revenue District- Balodabazar-Bhatapara, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Police Station- Bhatapara (Grameen), Civil And Revenue District- Balodabazar-Bhatapara, Chhattisgarh.

----Non-applicant

For Applicant	:	Mr. Adil Minhaj, 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. 305/2017 registered at Police Station Bhatapara (Grameen), Civil & Revenue District Balodabazar-Bhatapara, Chhattisgarh for the offence punishable under Section 376 of Indian Penal Code and Sections 4 & 6 of Protection of Children from the Sexual Offences Act, 2012.
2. The present applicant is in jail since 31.08.2017 in connection with the aforesaid Crime number.
3. The case of the prosecution against the present applicant is that the present applicant is said to have abducted the prosecutrix a minor and is said to have kept her in confinement without the consent of her parents and in the process he is said to have also maintained physical relationship with the prosecutrix. Meanwhile the prosecutrix

also is said to have got conceived from this relationship and ultimately her pregnancy had to be terminated on medical ground.

4. The counsel for the applicant submits that the plain reading of the statement of the prosecutrix shows that there is a great element of consent on the part of the prosecutrix in having the physical relationship. He further submits that it is a case where the present applicant and the prosecutrix were having a love affair and it is only on account of the fact that she unfortunately got conceived, the matter got disclosed to the family members and a complaint has been lodged. He further submits that the applicant has already remained in custody for a period of about 10 months and prays for the applicant to be released on bail.
5. The State counsel however opposing the bail application submits that it is a case where knowing fully well that the prosecutrix is a minor, the present applicant is said to have ravished her and had maintained the physical relationship on many occasions. He further submits that even if there is a consent given by the minor, it is of no consequence and prayed for rejection of the bail application.
6. Having heard the contentions put forth on either side and on perusal of record, taking into account the duration of the relationship with the applicant and the prosecutrix have maintained, also considering the age of the prosecutrix, so also the age of the present applicant, who is a young boy of 20 years of age and also the fact that he has remained in custody for a period of 10 months, this Court is of the opinion that prima facie 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

Ved