

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3865 of 2018**

- Mithlesh Kumar Som @ Chinku S/o Kishan Lal Som Aged About 20 Years
R/o Bhitari Ras Village And Tahsil Sihava District Dhamtari, Chhattisgarh.,
District : Dhamtari, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Police Station Keshkal, District
Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Respondent

 For the applicant. : Mr. Pravin Kumar Tulsyan, Advocate.
 For the respondent/State : Mr. Sanjeev Pandey, G.A.

Hon'ble Shri Justice Ram Prasanna Sharma
Order on Board

25-6-2018.

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail, who has been arrested on 30-11-2017 in connection with Crime No. 148 of 2017 registered at Police Station Keshkal, District Kondagaon (CG) for the offence punishable under Sections 363, 366, 376 of the IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. The case of the prosecution, in brief, is that present applicant abducted the prosecutrix on the pretext of marriage and took her to different places and committed sexual intercourse with her against her will and thereby he committed the aforesaid offence.
3. Learned counsel appearing for the applicant would submit that the prosecutrix voluntarily moved with the applicant from her parental home and he has not enticed her to go with him. He would further submit that the applicant has been falsely implicated in this case, prosecutrix was a consenting party and the applicant is in jail since 30-11-2017 and no further custodial interrogation of the present applicant is required by the prosecution, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the bail application.
5. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, pre-trial detention of the applicant and further considering the statement of the prosecutrix recorded under Section 161 of the Cr.P.C., I am of the considered opinion that *prima facie* it is a fit case where the applicant can be released on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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 local surety in the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules

Sd/-

(Ram Prasanna Sharma)
JUDGE

Raju