

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4030 of 2018**

Babloo @ Bulu Bhaiya @ Bulender S/o Keshar Mandal Aged About
 26 Years R/o Sujata Nagar, Bardag, Police Station Mohanpur, District
 Gaya Bihar At Present R/o Gogaon, House of Prembai Tandon,
 Dande Mohalla, Gudhiyari, District Raipur Chhattisgarh, District :
 Raipur, Chhattisgarh **--- Petitioner**

Versus

State of Chhattisgarh through the Station House Officer, Police
 Station Urla District Raipur Chhattisgarh, District : Raipur,
 Chhattisgarh **--- Respondent**

For the applicant	:	Mr. Kamal Pandey, Advocate.
For the Respondent	:	Mr. Suryakant Mishra, P.L.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****04.07.2018**

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 190 of 2017 registered at Police Station Urla District Raipur (C.G) for the offences punishable under Sections 363, 366, 376 of IPC and sections 4 & 6 of Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a report was made by the father of prosecutrix that the girl was found missing and subsequently when the girl was recovered, the investigation was made wherein it was found that the applicant has enticed and took away the minor girl from the lawful custody of the parents and thereafter committed sexual intercourse with her.

3. Learned counsel for the applicant submits that the statement recorded u/s 164 of Cr.P.C., would show that the girl and the boy are neighbors and they were in love relations and the girl of her own went along-with the applicant and performed marriage, therefore, no offence is made out.
 4. Per contra, learned State Counsel opposes the bail application. .
 5. Perused the statement u/s 164 of Cr.P.C., wherein the girl has stated that she has performed marriage with the applicant. Considering the same, without any further observation on merits of the case, I am inclined to allow this bail application.
 6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in 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.
- C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE