

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4177 of 2018

- Manish Ratre S/o Shankar Prasad Ratre, Aged About 17 Years Caste - Satnami, R/o Village Telikot, Tahsil And P.S. Kharsiya, District Raigarh Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Chowki Kharsiya, P.S. Kharsiya, District Raigarh (CG)

---- Respondent

For Applicant	:	Shri F.S. Khare, Advocate
For Respondent	:	Shri Anil Pillai, Dy. Advocate General.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

02/07/2018

1. This is the first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested on 18.5.2018 in connection with Crime No.231/2018 registered at Police Station Kharsiya, District Raigarh (CG) for the offence punishable under Sections 363, 366 & 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 24.4.2018 present applicant enticed away the minor prosecutrix from the lawful custody of her parents and thereafter committed sexual intercourse with her against her wish.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the offence. He further submits that

the prosecutrix of her own accompanied the applicant on 24.4.2018, they performed marriage and thereafter both of them stayed till 13.5.2018 as husband & wife. He further submits that earlier also the prosecutrix eloped with the applicant and they lived together. He further submits that there is no conclusive evidence showing the prosecutrix to be minor on the date of alleged incident. Therefore, considering the conduct of prosecutrix, medical evidence and previous antecedents, the applicant is entitled to be released on bail.

4. On the other hand, learned State Counsel opposes the prayer for grant of bail.
5. Taking into consideration the facts and circumstances of the case, in particular the nature of allegation levelled against the applicant and conduct of the prosecutrix, but without commenting anything on the merits of case, I am inclined to release the applicant on regular bail.
6. Accordingly, it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one surety in the like sum to the satisfaction of the trial Court concerned. He is directed to appear before the trial Court concerned on each and every date given by the said Court.
7. Certified copy as per rules.

S/-
(Pritinker Diwaker)
Judge

roshan/-