

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4101 of 2018

- Ashish Kshatriya @ Ankit S/o Shrikant Kshatriya, Aged About 20 Years R/o Shiv Nagar, Santoshi Nagar, Police Station Tikrapara Raipur, Tahsil And District Raipur, Chhattisgarh.

---- Applicant

In Jail

Versus

- State Of Chhattisgarh Through Police Station Tikrapara, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri PK Patel, Advocate.
For Respondent/State	:	Shri Ravindra Agrawal, GA.

Hon'ble Shri Pritinker Diwaker, J

Order On Board

02/07/2018

The applicant has filed this application under Section 439 of CrPC for grant of bail as he is in custody since 5.3.2018 in connection with Crime No.91/2018 registered at Police Station – Tikrapara, Distt. Raipur for the offence punishable under Sections 363, 366, 376 of IPC and Sections 3 & 4 of Protection of Children from Sexual Offences Act, 2012.

02. As per prosecution case, on 19.2.2018 the prosecutrix was missing from her home and therefore, a missing report was lodged by her mother. Subsequently, the prosecutrix was recovered on 5.3.2018 from the custody of the applicant.

03. Counsel for the applicant submits that in her statement under Section 164 of CrPC, the prosecutrix has categorically stated that she went along with the applicant of her own and that she lived with him at Dhamtari from 19.2.2018 till 4.3.2018. It has been argued that the applicant and the prosecutrix were having affair and there is no conclusive evidence regarding her age showing her to be minor on the date of incident.

04. On the other hand, opposing the bail application it has been submitted by the State counsel that as per school record on the date of incident age of the prosecutrix was about 16 years, 7 months and 12 days.

05. Heard counsel for the parties and perused the material available on record.

06. Considering the statement of the prosecutrix u/s 164 of CrPC and other material on record including her conduct, without further commenting on merits of the case, I am inclined to release the applicant on bail. Accordingly, the application is allowed. The applicant is directed to be released on bail on his furnishing a personal bond of Rs. 2 lacs with one surety for the like sum to the satisfaction of the concerned trial Court for his appearance before it as and when directed.

Sd/

(Pritinker Diwaker)

Judge