

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4111 of 2018

- Pankaj Kumar Patel S/o Late Shri Shivpujan Patel, Aged About 23 years, presently R/o Subhash Nagar, P. S. Gandhinagar, District Surguja, Chhattisgarh. Permanent R/o Village Maheva, P.S. Basantpur, Police Chowki Wadraf Nagar, District Balrampur, Chhattisgarh.

---- Applicant

In Jai

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Gandhinagar, District Surguja, Chhattisgarh.,

---- Respondent

For Applicant	:	Shri Jitendra Shrivastava, Advocate.
For Respondent/State	:	Shri Vivek Sharma, G.A.

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 18.3.2018 in connection with Crime No.44/2018 registered at Police Station – Gandhinagar, Distt. Surguja for the offence punishable under Sections 363, 366, 376(2)(n) of IPC and Sections 5(l)/6 of Protection of Children from Sexual Offences Act, 2012.

02. As per prosecution case, on 25.2.2018 the applicant abducted the minor prosecutrix, aged about 17 years. At the instance of father of the prosecutrix, a missing report was lodged on 26.2.2018 and the

prosecutrix was recovered from the custody of the applicant on 17.3.2018.

03. Counsel for the applicant submits that the prosecutrix was having affair with the applicant, they performed marriage on 1.1.2018 in a temple and lived together for a couple of months. He submits that it is only on pressure being exerted by father of the prosecutrix that a false report has been lodged whereas the applicant and the prosecutrix are husband and wife. It has been further submitted that on the date of incident the prosecutrix was more than 17 years of age.

04. On the other hand, State counsel opposes the bail application.

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

06. Considering the totality of the case, in particular the nature of allegations, delay in lodging FIR as also considering the statements of the prosecutrix u/s 161 & 164 of CrPC, 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. 1 lac 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