

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4305 of 2018

- Junaid Khan S/o Muse Khan Aged About 20 Years R/o Village Pandripani, Post Sutiurkuli, Tahsil Bilaigarh District Baloda Bazar Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through P. S. Rakhi District Raipur Chhattisgarh.

---- Respondent

For Applicant	:	Shri Anchal K Matre, Advocate
For Respondent	:	Shri Vivek Sharma, Government Advocate.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

03/07/2018

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 2.5.2018 in connection with Crime No.7/2018 registered at Police Station Rakhi, District Raipur (CG) for the offence punishable under Sections 363, 366 & 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 14.1.2018 a missing report was lodged by the father of prosecutrix alleging in it that minor prosecutrix is missing since 12.1.2018. The prosecutrix was recovered on 2.5.2018 from the custody of applicant.
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 applicant and the prosecutrix have performed marriage and the

prosecutrix in her statement recorded under Section 164 CrPC has categorically stated that she wants to live with the applicant. As per school admission register, age of the prosecutrix is 17 years, whereas in the Adhaar Card the prosecutrix is shown to be of 18 years of age. Thus, there is no conclusive proof regarding the age of the prosecutrix. In these circumstances, 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 statement of the prosecutrix recorded under Section 164 CrPC, but without commenting anything on the merits of case, I am inclined to release the applicant on regular bail.
6. Accordingly, the application 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.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.

Sd/-
(Pritinker Diwaker)
Judge

roshan/-