

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4262 of 2018

- Rajendra Loniya S/o Dhansai Loniya Aged About 24 Years R/o Ujyarpur Khanti, P. S. Lalpur, District Mungeli Chhattisgarh

---- Applicant

In Jail

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Civil Line Bilaspur District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	:	Ms. Nirupma Bajpai, Advocate.
For Respondent/State	:	Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Pritinker Diwaker, J

Order On Board

03/07/2018

The applicant has filed this application under Section 439 of CrPC for grant of bail as he is in custody since 23.2.2018 in connection with Crime No.166/2018 registered at Police Station – Civil Lines, Bilaspur for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012.

02. As per prosecution case, the prosecutrix, aged about 17 years, eloped with the applicant on 8.2.2018 and was recovered from his house on 22.2.2018.

03. Counsel for the applicant submits that the applicant and the

prosecutrix had performed marriage on 9.2.2018 and thereafter visited several places and in the meanwhile, they also informed their family members about their marriage. It has been argued that even as on date the prosecutrix is living in the house of the applicant. She submits that there is no legally admissible evidence showing the prosecutrix to be below 18 years of age. As per her school record, she is about 15 years whereas according to ossification test, she is between 16 & 18 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 facts and circumstances of the case, in particular the statement of the prosecutrix u/s 161 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