

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4274 of 2018

- Ajay Kumar Jatav S/o Shri Charan Singh Jatav Aged About 23 Years R/o Village Gramingain, Hasan Thok Police Station Raja Rampur District Ata (Etah) U. P.

**---- Applicant
In Jail**

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Rajadevri, District Baloda Bazar (CG)

---- Respondent

For Applicant	:	Shri CR Sahu, Advocate.
For Respondent/State	:	Shri Rahul Tamaskar, 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 16.5.2018 in connection with Crime No.27/2015 registered at Police Station – Rajadevri, Distt-Baloda Bazar-Bhatapara 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, a minor girl aged about 15 years on the date of commission of offence, was taken away by the applicant, she lived with the applicant for about three years and was recovered from his custody on 15.6.2018.

03. Counsel for the applicant submits that in her statement under Section 164 of CrPC, the prosecutrix has categorically stated that

when her marriage was to be solemnized in some other place, she left her house and after about six months met the accused/applicant and started living with him of her own. The prosecutrix further stated that the applicant had refused to marry her saying that he would marry her only after her attaining majority and that during her stay in the house of the applicant she used to sleep with the applicant's sister. Counsel for the applicant submits that nowhere the prosecutrix has alleged that she was subjected to physical relation by the applicant and that they also performed marriage in a temple subsequently. Learned counsel further submits that even if the entire prosecution case is taken as it is, the ingredients of the offence under Sections 363, 366 & 376 of IPC and 4 of POCSO Act are not made out against the applicant.

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 statement of the prosecutrix u/s 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