

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4372 of 2018**

1. Aarti Tirkey W/o Amar Say Tirkey Aged About 40 Years R/o- Village- Dhudhaniya, P.S. Sonhat, District- Korea, District : Koriya (Baikunthpur), Chhattisgarh
 2. Sonu Kurre S/o Shri Sukhlal Kurre Aged About 22 Years R/o- Village- Tarra, P.S. Charcha, District- Korea, District : Koriya (Baikunthpur), Chhattisgarh
- Petitioners**

Versus

State of Chhattisgarh through- Police Station Charcha, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh ---
Respondent

For the applicants	:	Mr. Apoorva Tripathi, Advocate.
For the Respondent	:	Mrs. Madhunisha Singh, P.L.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****03.07.2018**

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No.51/2018 registered at Police Station Charcha, District Korea (C.G) for the offences punishable under Sections 363, 366, 376, 368, 34 of IPC and section 8 & 17 of the Protection of Children from Sexual Offences Act.
2. As per the prosecution case, a report was made on 15.04.2004, by the the grand father Mohan Lal that his daughter-in-law was missing. Subsequently the prosecutrix victim was recovered from the possession of applicants and during the investigation it was revealed that the applicants allured the prosecutrix and took her away from the lawful

guardianship of the parents on the pretext of marriage and thereafter Applicant no.2 committed sexual intercourse.

3. Learned counsel for the applicants submits that as per the statement of prosecutrix, she herself has left the Company of the complainant as she was being pressurized to marry with others. He further submits that the prosecutrix was major and she has been shown more than 17 years of age on the basis of the entry made in the school records, therefore, the applicants may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail application.
5. Perused the statement of the prosecutrix recorded u/s 164 of Cr.P.C., wherein she has stated that she was in love relations with applicant no.2. Considering such statement and the fact that the charge sheet has been filed, no further investigation is necessary and the applicants are in jail since 18.04.2018 I am inclined to allow the bail application.
6. Accordingly, the bail application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**