

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 4441 of 2018**

Toran Kumar Chhedavi S/o Dhan Singh, aged about 22 years,
resident of village Baroda Khurd, Polcie Station Kawardha, District
Kabirdham, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh Through- Incharge of Police Station
Kawardha, District Kabirdham, Chhattisgarh

---- Respondent

For Applicant	:	Shri Sudhir Verma, Advocate
For Respondent/State	:	Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****12/07/2018**

This is the first application filed u/s 439 of Cr.P.C. for grant of regular bail to the applicant who is in jail since 11.04.2018 in connection with Crime No. 159/2017 registered at Police Station- Kawardha, District Kabirdham (CG) for the offence punishable under Sections 363, 366, 376 of IPC and Sections 3 & 4 of Protection of Children from Sexual Offences Act.

2. The allegation against the present applicant as per the prosecution is that knowing fully well that the prosecutrix is a minor, the applicant is said to have abducted/kidnapped the prosecutrix from the custody of her parents and taken her to different places and in the process is said to have had physical relationship with her repeatedly.

3. Counsel for the applicant submits that a plain reading of the

statement of the prosecutrix itself would show that she was aged more than 16 years at the relevant point of time. He submits that there was a love affair between the applicant and the prosecutrix and they had voluntarily eloped from the house and visited different places and also stayed together as husband and wife for long during which period they voluntarily had physical relationship. Thus, prayed for grant of bail to the applicant.

4. State counsel, however, opposing the bail application submits that at the relevant point of time the prosecutrix was a minor aged around 16 years, therefore, even if there was an element of consent, it is of no consequence and prayed for rejection of the bail application.

5. Having heard the counsel for the parties and on perusal of the record, particularly the version of the prosecutrix, her age and also the age of the applicant, this Court is of the opinion that prima facie, a strong case for grant of bail has been made out.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

Sd/-

(P. Sam Koshy)
JUDGE