

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4475 of 2018**

- Raju Prasad Dahariya S/o Visheshwar Prasad Dahariya Aged About 22 Years R/o- House No.- 317, Village- Dhardai, Janjgir-Champa And District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through- P.S. Supela, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

**---- Respondent -**

---

|                |   |                                   |
|----------------|---|-----------------------------------|
| For Applicant  | : | Mr. Anmol Sharma, Advocate.       |
| For Respondent | : | Mr. Anil S. Pandey, Panel Lawyer. |

---

**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Order On Board**

**11/07/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.880/2017 registered at Police Station- Supela, District – Durg(C.G.) for the offence punishable under Sections 363, 366 & 376 of the Indian Penal Code and Section 5(L) and 6 & 17, 18 of Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. The FIR lodged is delayed. Applicant is in jail since 13.2.2018. No case is made out against this applicant. The prosecutrix in this case is a major girl and

had been a consenting party, further, the applicant has performed marriage with the prosecutrix and wants to keep her as his wife. Hence, it is prayed that he may be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. According to prosecution case, this applicant abducted the minor prosecutrix and then committed the offence of rape with her. Hence, this case.
6. Considering on the material present in the case diary, and also perused the statement under Section 164 of CrPC given by the prosecutrix in which she has stated about his love affair and marriage with the applicant, although her age appears to be below 18 years on the date of incident. After due consideration, I am of this view that this is a fit case where the applicant should be benefited with grant of bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

**(Rajendra Chandra Singh Samant)**  
Judge