

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7746 of 2018**

Laxman Xalxo S/o Sukul Xalxo Aged About 22 Years R/o Village
Kunmera, P. S. Sitapur, District : Surguja (Ambikapur), Chhattisgarh
--- **Petitioner**

Versus

State of Chhattisgarh through the Station House Officer, Police
Station Sitapur, District : Surguja (Ambikapur), Chhattisgarh ----
Respondent

For the applicant	:	Mr. Awadh Tripathi, Advocate.
For the Respondent	:	Mr. D. R. Minj, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****01.11.2018**

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.167/2016 registered at Police Station Sitapur, Distt. Sarguja (C.G) for the offences punishable under Sections 363, 366, 376(2)(n) of IPC and sections 5 (g) (6) of Protection of Children from Sexual Offences Act.
2. As per the prosecution case, on 03.10.2016 a complaint was lodged by Rajnath Lakda, father of prosecutrix that the applicant has enticed away the minor girl from the lawful custody and subsequently when the girl was recovered, it reveals that the applicant has committed forcible sexual intercourse on the pretext of marriage
3. Learned counsel for the applicant submits that the applicant is in jail since 08.10.2016 and the statements of the girl

recorded u/ss 161 & 164 of Cr.P.C., would show that she herself went along-with the applicant as they were in love relations and when she refused to come, the report was made at the behest of the parents.

4. Per contra, learned State Counsel opposes the bail application.
 5. Perused the statements of the victim recorded under sections 161 & 164 of IPC as also the statements given before the Child Welfare Committee. It appears that the applicant is in jail since 08.10.2016.
 6. Considering the overall back ground of the facts as also the statements given before the Child Welfare Committee and further looking to the period of custody of the applicant as he is stated to be in jail since 08.10.2016, I am inclined to allow this bail application.
 7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in 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.
- C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**