

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7835 of 2018

Sheshnarayan Mathur, S/o. Kishanlal Mathur, Aged About 19 Years, R/o.
Village Beerampur, Police Station- Dadhi, District- Bemetara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through - Station House Officer, Out Post -
Dashrangpur, Police Station - Pipariya, District - Kabirdham, Chhattisgarh.

---- Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate

For Respondent : Mr. Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

30.10.2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.232/2018 registered at Police Station- Pipariya, Out Post- Dashrangpur, District Kabirdham (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 3 & 4 of Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a missing report was lodged by the father of the victim that her daughter is missing. Subsequently, his daughter was found in the company of the present applicant and on enquiry it is revealed that the applicant allured the minor girl took away from the lawful custody of the parents and thereafter committed forceful sexual intercourse on the pretext of marriage.
3. Learned counsel for the applicant submits that the prosecutrix was major and the statement of the prosecutrix would show that she herself went along with the applicant as they were in love relation

and thereafter they performed marriage, which would be evident from the statement; therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the victim wherein she stated that she was in love relation with the applicant and she performed marriage. Considering the nature of allegation and the facts of this case and taking into fact that the applicant is in jail since 14.09.2018, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on 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/-
(Goutam Bhaduri)
Judge