

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7632 of 2017

1. Pradeep Singh S/o Gambheer Singh Gond, Aged About 26 Years R/o Gangapur, P. S. Odagi, District Surajpur Chhattisgarh , Chhattisgarh
2. Surendra Singh, S/o Jaijeet Singh Gond, Aged About 32 Years R/o Gangapur, P. S. Odagi, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through P. S. Patna District Korla Chhattisgarh , Chhattisgarh

---- Respondent

For Applicants	:	Mr. Pragalbh Sharma, Advocate.
For Respondent	:	Mrs. Smita Ghai, Panel Lawyer.

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

22/02/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No. 218/2017, registered at Police Station- Patna, District – Korla(C.G.) for the offence punishable under Sections 363, 366, 376(2)(i) of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case. The applicants intend to dispute the proof of age of the prosecutrix on the basis of cogent documentary evidence, that she had been of age above 18 years on the date of

incident. No case is made out against both these applicants as the prosecutrix had been a consenting party. Hence, it is prayed that applicants may be granted regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that according to the statement given by the prosecutrix under Sections 161 & 164 of CrPC and the proof of age on the basis of school register and mark-sheet which reflects, that she was minor on the date of incident, hence, applicants are not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. The case of the prosecution is this, that applicant No.1 and the prosecutrix had some love affair between them since five years prior from the date of incident. On the date of incident, applicant and the prosecutrix eloped and went to Indore. Father of the prosecutrix lodged named FIR against this applicant on that basis the prosecutrix was recovered from the custody of this applicant No.1 from Indore, on 18.9.2017, thereafter, the investigation was taken up. The allegation against applicant No.2 is this, that he helped the applicant No.1 and the prosecutrix in their elopement.
6. Considered.
7. On perusal of the entire material present in the case diary and that the applicants are in jail since 19.9.2017 and the trial against them is likely to take some time for its conclusion. For this reason, I am of this view that applicants should be released on regular bail during the pendency of the trial against them.
8. Accordingly, the first bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on

their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha