

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2319 of 2019**

Damendra Kumar S/o Likhan Lal Aged About 22 Years R/o
Riwagahan, Police Station- Suregaon, District Balod District : Balod,
Chhattisgarh --- **Petitioner**

Versus

State of Chhattisgarh through Station House Officer, Police Station
Doundilohara, District : Balod, Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Shikhar Bakhtiyar, Advocate.
For the Respondent	:	Mr. Rajesh Singh, Dy.G.A.

HON'BLE SHRI JUSTICE GOUTAM BHADURI**ORDER ON BOARD****18.04.2019**

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.08/2017 registered at Police Station Doundilohara Distt. Balod (C.G) for the offences punishable under Sections 363, 366, 376 of IPC and section 5 (Tha), 6 of Protection of Children from Sexual Offences Act, 2012
2. As per the prosecution case, on 21.12.2016 the applicant took away the minor girl from the lawful custody of the parents and thereafter committed sexual intercourse, thereby the offence is committed.
3. Learned counsel for the applicant submits that the prosecutrix has been examined and she has not supported the case of prosecution and even on the date of incident, the she was major. He further submits that her statement would

show that the prosecutrix and applicant are in love relations and she has performed marriage with the applicant.

4. Per contra, learned State Counsel opposes the bail application.
5. Perused the statement of the prosecutrix wherein it appears that she has not supported the case of prosecution and she has stated that she has performed marriage with the applicant.
6. Considering the same, without any further observation on merits of the case 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**