

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6484 of 2019

- Durgesh Kumar Kol S/o Horilal Aged About 21 Years Caste Kol, R/o. Nawapara (Dhanwaipur), Tahsil Katghora, District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - The Station House Officer, Police Station Katghora, District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Respondent

For Applicant	: Shri G.R.Miri and Shri Basant Kaiwartya, Advocates
For Respondent/State	: Shri Vinod Tekam, Panel Lawyer
Prosecutrix along with her mother is present before this Court.	

Hon'ble Smt.Justice Rajani Dubey
Order On Board

10.12.2019

1. Heard.
2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.154/2019, registered at Police Station Katghora, District Korba(CG) for the offence punishable under Sections 363, 366, 376 of the IPC and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.
3. As per the case of prosecution, on the pretext of marriage, the applicant abducted the minor prosecutrix and committed sexual intercourse with her.
4. Learned counsel for the applicant submits that the applicant has not committed any offence. The prosecutrix herself had gone to the applicant and she is a consenting party. He further

submits that as per ossification test, age of the prosecutrix is between 15 to 17 years on the date of incident; the applicant is in jail since 10.8.2019 and trial may take some time for its final disposal therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. On being asked to the prosecutrix who is present before this Court along with her mother, she has no objection in granting bail to the applicant.
7. Perused the entire material available on record.
8. Considering the facts and circumstances of the case, in particular the ossification test report in which age of the prosecutrix is shown between 15 to 17 years with 2 years margin both sides and further considering that the prosecutrix has no objection, I am of the opinion that present is a fit case to release the applicant on bail.
9. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
10. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
11. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE