

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5941 of 2021**

- Mithilesh Son Of Sonaram Aged About 18 Years R/o. Village Badedabha, Police Station And Tahsil Basna, District Mahasamund (Chhattisgarh)

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Basna, District Mahasamund (Chhattisgarh)

---- Respondent

For Applicant : Shri Raghvendra Pradhan, Advocate

For Respondents/State : Shri Animesh Tiwari, Dy. AG

Hon'ble Shri Justice Goutam Bhaduri**Order****10/12/2021**

1. Heard.
2. 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 on 15.07.2021 in connection with Crime No.506/2020 registered at Police Station Basna, District Mahasamund (CG) for the offence punishable under Sections 363, 366, 376 (2) (a) of Indian Penal Code and Section 6 of Protection of Children from Sexual Offences Act.
3. As per the prosecution case, on 23.10.2020 the applicant and prosecutrix who were minor met at village temple and it is alleged that the applicant enticed away the prosecutrix from the lawful custody of the parents. Subsequently, they

met several times and they committed sexual intercourse. Thereafter the report was made by the parents of the prosecutrix.

4. Learned counsel for the applicant submits that the applicant is also of the tender age and they both fell in love and met on number of occasions and she was not forced or enticed away by the applicant. He would further submit that the charge-sheet in this case has been filed and no further investigation would be required, therefore, the applicant may be released on bail.
5. Per contra, learned State counsel and the prosecutrix oppose the prayer for grant of bail.
6. Perused the statement of the prosecutrix which prima facie shows that she was voluntarily in company of the applicant and they were caught red handed thereafter the report was lodged. Considering this aspect, documents and the tender age of the applicant and also taking into that the applicant is in jail since 15.07.2021, I am inclined to release the applicant on bail.
7. Accordingly, the 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 trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri
Judge

Ashu