

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7147 of 2021

Hirwan Das @ Anand (Wrongly Mentioned As Aand) Son Of
Vijay Das Aged About 19 Years Caste- Panika, Resident of
Village - Jamkachhar Bija Ghutra, Chowki- Korbi, District :
Korba, Chhattisgarh --- **Applicant**

Versus

State of Chhattisgarh through Station House Officer, Police
Station - Passan, District : Korba, Chhattisgarh.
--- **Respondent**

For the applicant	:	Mr. Aditya Khare, Advocate.
For the Respondent	:	Mr. Ajay Kumrani, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10.12.2021

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 Crime No. 127/2020 of Police Station Passan, District Korba (C.G) for the offences punishable under Sections 363, 366, 376(2) of IPC and section 5(L)/6 of Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. As per the prosecution case, a report was lodged by the father on 15.11.2020 that his daughter was missing and subsequently the victim was found in custody of the present applicant and was recovered from Jharkhand. It is alleged that the applicant has enticed away the minor girl from the lawful custody of her parents and committed forcible sexual intercourse with her and the victim being minor, she has been sexually exploited, thereby offence has been committed.

3. Learned counsel for the applicant submits that the victim has been examined before the Court below and she has not supported the case of prosecution. He would submit that the victim went on her own will and the applicant and the victim have married with each other, therefore, no offence is made out.
 4. Per contra, learned State Counsel opposes the bail application.
 5. Perused the statement of the victim (P.W.1) recorded before the Court below. Having considered the statement, without any further observation on merits of the case, I am inclined to allow this bail application.
 6. 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**