

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7258 of 2021

Rajesh Rohidas Rathore, S/o. Shri Rohidas Rathore, Aged About 21 Years, R/o. Village Palaskhede Kakar, P.S. Jamner, District Jalgaon Maharastra

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Kanker District North Baster Kanker, Chhattisgarh

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent : Mr. Sanjay Pathak, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10.12.2021

1. 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 in connection with Crime No.145/2021 registered at Police Station- Kanker, District North Bastar Kanker, for the offence punishable under Sections 363, 366, 376(2)(n) of Indian Penal Code & under Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a missing report was lodged by the father of the victim on 24.06.2021 and thereafter the victim was recovered from the possession of the applicant on 16.08.2021 at Maharashtra and the statement having been recorded the offence under Sections 363, 366, 376(2)(n) of Indian Penal Code & under Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012 has been registered.
3. Learned counsel for the applicant would submit that the victim is 17 years and 5 months old and she was in love relation with the

applicant and they performed marriage. He read out the statement of the victim under Section 164 and would submit that the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. The record shows that on 28.10.2021, the prosecutrix/victim appeared alongwith her father & mother before this Court through video conferencing from DLSA and the victim kept mum, however, her parents made objection with respect to grant of bail.
6. Having considered the statement of the victim under Section 164, prima facie, it appears that they have performed marriage and were living together for a considerable time. Considering the same and in aspect of the age, I am inclined to release the applicant on bail. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge