

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8538 of 2021

Aadi Khadse, S/o. Abbas Khadse, Aged About 19 Years, R/o. M.G. Nagar,
Near Railway Crossing, Kanhan, Nagpur (Maharashtra).

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station
Mohan Nagar, Durg, District Durg Chhattisgarh.

---- Respondent

For Applicant : Mr. Vipin Punjabi, Advocate

For Respondent : Mr. Anshuman Shrivastava, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07.12.2021

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.248/2021 registered at Police Station- Mohan Nagar, Durg, for the offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 4 of POCSO Act, 2012.
2. As per the prosecution case, a report was made by one Chimanlal, some distant relative of the victim, that the present applicant enticed away the minor girl from the lawful custody and committed sexual intercourse and thereafter she was recovered from the custody of the applicant.
3. Learned counsel for the applicant would submit that the applicant and victim were in love relation and the applicant has never enticed away but the victim has forced him because of some family circumstances to take her away. Therefore, she has accompanied with the applicant, otherwise threat was extended that she would

commit suicide; consequently, no offence is made out. Therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. The victim is present before the Court and she submits that the applicant may be enlarged on bail.
6. Considering the statement under Section 164 of the victim and taking into fact that the applicant is in jail since 05.08.2021, 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