

**(2018) 06 CHH CK 0149**

**Chhattisgarh High Court**

**Case No:** Miscellaneous Criminal Case (MCRC) No. 3081 Of 2018

Chandrashekhar

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

**Date of Decision:** June 26, 2018

**Acts Referred:**

- Indian Penal Code, 1860 - Section 363, 366, 376
- Code Of Criminal Procedure, 1973 - Section 164, 439
- Protection Of Children From Sexual Offences Act, 2012 - Section 3, 4, 6

**Hon'ble Judges:** Goutam Bhaduri, J

**Bench:** Single Bench

**Advocate:** MK Bhaduri, SRJ Jaiswal

**Final Decision:** Allowed

**Judgement**

Goutam Bhaduri, J

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 on 17.03.2018 in connection with Crime No.75/2017 registered at Police Station Rakhi, District Raipur (CG) for the offence punishable under

Sections 363, 366 & 376 IPC and Sections 3, 4 & 6 of the Protection of Children from Sexual Offences Act.

2. As per the prosecution case, a missing report was lodged by the father of the prosecutrix that she is missing since 13.05.2017 subsequently, the

prosecutrix was recovered from the possession of the applicant and it was discovered that the applicant enticed away the minor girl from the lawful

custody and thereafter committed forceful sexual intercourse. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the age of the prosecutrix has not been proved and the statement under Section 164 Cr.P.C. would

show that she herself had went along with the applicant and performed marriage with him, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. Perused the case-diary statements and the statement of the prosecutrix under Section 164 Cr.P.C., wherein she has stated that she has performed

marriage with the applicant. Considering the same and also taking into that the charge-sheet in this case has been filed and no further investigation is

necessary, without any further observation on merits, I am inclined to release the applicant on bail.

6. 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.