



2024:CGHC:47008

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 7740 of 2024**

1 - Laxman Bariha Son of Jhanglu Ram Bariha, Aged About 21 Years, Resident of Village Balar, Chowki Sonakhan, Police Station Kasdol, District Balodabazar-Bhatapara, Chhattisgarh.

... Applicant**versus**

1 - State of Chhattisgarh Through The Station House Officer, Police of Police Station Rajadevari, District - Balodabazar, Chhattisgarh.

... Non-applicant

For Applicant – Mr. Yogesh Chandra, Advocate.

For State/Non-applicant – Ms. Sunita Sahu, Panel Lawyer.

For Victim/objector – Mr. N. K. Chatterjee, Advocate.

Hon'ble Shri Justice Ravindra Kumar Agrawal, J.**Order on Board****29-11-2024**

1. Pursuant to the order dated 08-11-2024 the victim along with her mother appeared in person before this Court and submitted that they have no objection in granting bail to the applicant. Their submission is taken on record.
2. Heard on the application filed under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 11-10-2024 in connection with Crime No.25/2024 registered at P.S. -Rajadevari, District – Balodabazar (C.G.) for the offence under Section 363, 366, 376 of the IPC and Section 6 of the Protection of Children from Sexual Offences Act,

2012 (in short 'the POCSO Act').

3. The case of the prosecution is that, on 15-04-2024 father of the prosecutrix lodged a missing report that his minor daughter is missing since 09-04-2024 and her whereabouts could not be traced out. The police registered offence under Section 363 of the IPC and started investigation. During the investigation the prosecutrix was recovered on 10-10-2024 from the house of the appellant at Village Palari and after recording her statement offence under Section 366, 376 of the IPC and Section 6 of the POCSO Act have been added. The applicant has been arrested on 11-10-2024 and charged sheet has been filed.
4. Learned counsel for the applicant would submit that there is no cogent evidence with respect to the age of the prosecutrix. She being major girl, having love affair with the applicant has herself eloped with the applicant and resided with him at Village Palari. She has not raised any objection and not made any complaint while residing in Village Palari and the applicant still wants to marry with the prosecutrix and he is in jail since 11-10-2024. Therefore, the applicant may be enlarged on bail.
5. On the other hand, learned counsel for the State opposes the present bail application.
6. Considering the submissions made by learned counsel for the parties, considering the nature of allegation and the material collected during the investigation and further considering that the prosecutrix has resided with the applicant for a considerable period and the applicant is in jail since 11-10-2024, without commenting anything on merits of the case I am inclined to release the applicant on bail.
7. Consequently, this application filed by the applicant for grant of regular bail is hereby allowed. 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, on the following

conditions :-

- (i) He shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court ;
- (ii) He shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial unless his personal presence is exempted by the trial Court.

Sd/-

(Ravindra Kumar Agrawal)
Judge