

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6641 of 2015

Balram Lahre S/o Narottam Lahre Aged About 23 Years R/o Village
Nawagaon Khurd, Police Station Parpodi, District Bemetara
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through - The Police Station Chhuikhadan,
District Rajnandgaon Chhattisgarh

---- Respondent

For Applicant	:-	Mr. Rakesh Thakur, Advocate
For Respondent/State	:-	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 145/2015, registered at Police Station – Chhuikhadan, District- Rajnandgaon (C.G.) for the offence punishable under Sections 363,366/34,376 of IPC and Sec. 4 & 6 of Prevention of Children from Sexual Offence Act, 2012.
2. As per prosecution case, on 22.05.2015 a missing report was made by the father of the prosecutrix that his daughter who was aged about 17 years was missing and she was seen with the present applicant lastly. Subsequently, the investigation made and from the possession of the present applicant the girl was recovered from Pune (Maharastra). Therefore, the offence was committed.
3. Counsel for the applicant submits that the prosecutrix was aged about 17 years and she was capable to understand all these things

and according to the statement of the prosecutrix recorded under section 164 of Cr.P.C. wherein she herself stated that she went along with the applicant and performed marriage with the applicant at Pune (Maharashtra). He further submits that the applicant is in jail since 17.07.2015, therefore, he prays that the applicant may be enlarged on bail.

4. Per contra State counsel opposes the prayer for grant of bail.
5. Having regard to the fact and perusal of the statement recorded under section 164 of Cr.P.C. wherein the prosecutrix has not supported the case of the prosecution and the fact applicant is in jail since 17.07.2015. Considering the fact for the purpose of bail without any observation on merit, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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