

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6645 of 2015

1. Mahendra Kumar Dewangan, S/o. Shri Tijuram Dewangan, aged about 20 years, R/o. Near Bhelva Talab, Purani Basti, Saketnagar Kohka Bhilai, District – Durg (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station – Chhawani Bhilai, District – Durg (Chhattisgarh)

---- Respondent

For Applicant	:	Mr. Vipin Tiwari, Advocate
For Respondent/State	:	Mr. Vivek Singhal, 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.463/2015, registered at Police Station – Chhawani, Bhilai, District – Durg (C.G.) for the offence punishable under Section 363, 366, of I.P.C. and Section 12 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that a missing report was made by Santosh Dewangan that on 12.08.2015 her daughter aged about 16 years was missing and some one has enticed her and fled away and subsequently, on 14.08.2015, victim was recovered at Dongergarh railway station and thereby the offence was committed as the victim was taken away on the pretext of marriage.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the applicant and the victim is in relation with each other and nothing wrong has been committed by the applicant and before the temple

they have performed marriage. He would further submit that the applicant is in jail since 14.08.2015, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. I have gone through the statement under Section 164 of Cr.P.C. wherein the victim has stated that on 14.08.2015 they went to Dongergarh Temple and applied vermilion on the streak of the hair parting, however, no physical relation was made and she was recovered from railway station. Taking into facts and circumstances of the case and the statement of the prosecutrix recorded under Section 164 of Cr.P.C., the way the offence has been committed, considering the evidence collected by the prosecution and pre-trial detention of the applicant and the fact that charge sheet in this case has been filed, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge