

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6073 of 2015

Neelo Tandi S/o. Haro Tandi, aged about 30 years, R/o. of Village – Trimurti Nagar, Fafadih, Raipur District Raipur, Post Office- Raipur, Police Station- Devendra Nagar, Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through the Station House Officer, Police Station- Devendra Nagar, District – Raipur (C.G.)

---- Respondent

For Applicant	:-	Shri Shivendu Pandya, Advocate
For Respondent/State	:-	Shri O.P. Sahu, Government Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

30/11/2015

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. 139/2014, registered at Police Station – Devendra Nagar, Raipur District Raipur (C.G.) for the offence punishable under Sections 363,366,376 of IPC and section 3 & 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, in brief is that the applicant enticed the prosecutrix on the pretext of marriage and therefore took her to different place. The brother of the prosecutrix has lodged a report against the present applicant wherein the police has registered the case for the offence punishable under sections 363,366,376 of IPC and section 3 & 4 of the Protection of Children from Sexual Offences Act, 2012.
3. Counsel for the applicant submits that the prosecutrix was a major lady and she had in relationship of love affair with the applicant and wants to perform the marriage with the applicant. He further submits that the applicant and the prosecutrix were in sexual relationship as husband and wife together. He again submits that the prosecutrix and the family members of the prosecutrix has

sworn the affidavit in support of the applicant before the Court below, and therefore, he prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and submits that on the earlier date of hearing he was directed to peruse the contents of the affidavit and made submissions it is stated by State counsel that affidavit has been sworn by the prosecutrix wherein she has executed the affidavit in support of the applicant and stated that she had performed the marriage with the applicant and out of the said wedlock a child was born.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having gone through the statement of the prosecutrix and the affidavit sworn in support of the applicant, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. 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