

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5945 of 2015

Falit Tandon, S/o. Lalit Ram Tandon, aged about 22 years, R/o. Village Janglore, P.S. Palari, Civil & Revenue District Baloda Bazar, Bhatapara (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Police Station Palari, District Baloda Bazar, Bhatapara (C.G.)

---- Respondent

For Applicant	:-	Shri C.R. Sahu, Advocate
For Respondent/State	:-	Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

05/11/2015

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. 90/2014, registered at Police Station – Palari, District- Baloda Bazar, Bhatapara (C.G.) for the offence punishable under Sections 363,366,376 of the Indian Penal Code and sections 16,17 and 4 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on the pretext of marriage to the prosecutrix, the applicant took away her to Hinganghat, Maharashtra, since the prosecutrix was missing, the father of the prosecutrix lodged a report before Police Station Palari and the case was registered after recovery of the prosecutrix.
3. Counsel for the applicant submits that the charge sheet has already been filed and as per the statement recorded under section 164 of Cr.P.C, the prosecutrix stated that she herself went alongwith the

applicant and they had married each other on 25.11.2014 and no case is made out against the applicant at the time of incident. He further submits that the prosecutrix was almost 17 ½ year old, considering the statement of the prosecutrix under section 164 of Cr.P.C. , the applicant may be released 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. Having gone through the statement under section 164 of Cr.P.C. the prosecutrix herself has stated that she had married alongwith the applicant on 25.11.2014 and she herself went alongwith the applicant, she was not forced or lured by the applicant and out of the said wedlock a daughter is born, considering the statement made by the prosecutrix under section 164 of Cr.P.C., 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.
9. Certified copy as per rules.

(Goutam Bhaduri)
Judge