

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6161 of 2015

Ajay Bharti, S/o. Matukdhari, Aged About 25 Years, Occupation- Agriculture, R/o. Village- Sarna, P.S. Raghunath Nagar, Distt. Balrampur (Chhattisgarh) At Present R/o. Gangapur, P.S. Gandhinagar, Ambikapur, Distt. Surajpur (Chhattisgarh)

---- Applicant

Versus

State Of Chhattisgarh, Through- S.H.O. Ramanujnagar, District Surajpur, (Chhattisgarh) .

---- Respondent

For Applicant : Mr. V.C.Ottalwar, Advocate

For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

30/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.256/2014 registered at Police Station- Ramanujnagar, District Surajpur (C.G.) for the offence punishable under Sections 363, 366, 376 of Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act.
2. As per the prosecution case, in brief, on 14.12.2014 the complainant lodged a report that her daughter has been abducted by someone. Subsequently, on investigation, it was found that the applicant has took away the minor daughter of the complainant to Bombay and other places and committed sexual intercourse without her will.
3. Learned counsel for the applicant submits that the charge sheet in this case has been filed and the statement under Section 164 has

also been recorded wherein it would reveal that the prosecutrix, who is aged about 16 years, of her own went alongwith the applicant to Bombay and other places and also stayed as husband & wife, therefore, no offence has been committed by the applicant.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. After perusal of the statement recorded under Section 164 wherein the prosecutrix has not supported the case of the prosecution and considering the fact that the charge sheet has been filed, without any observation on merit, 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.

Sd/-
(Goutam Bhaduri)
Judge