

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6081 of 2015

1. Ashok Dahariya, S/o. Aghnu Ram, aged about 35 years, R/o. Gaindpur, Police Station – Kawardha, District – Kabirdham (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Outpost – Dashrangpur, District Kabirdham (C.G.)

---- Respondent

For Applicant : Mr. S.B. Patel, Advocate

For Respondent/State : Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18/11/2015

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.208/2015, registered at Police Station – Out Post – Dashrangpur, P.S. Pipriya, District - Kabirdham (C.G.) for the offence punishable under Section 363, 366 of the Indian Penal Code and Section 7 & 8 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the victim, Ku. Dulaurin was allured by the applicant and was residing with the applicant on the pretext of marriage. Subsequently, the victim also died at the house of the applicant. After postmortem and investigation, the charge sheet has been filed.
3. Learned counsel for the applicant would submit that according to the prosecution, the age of the victim was 17 and half years and she was

residing as a wife with the applicant, however, she died. He would further submit that neither she was allured nor any offence was committed. He would submit that the applicant is in jail since 13.08.2015, therefore, he prays that 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. I have gone through the statement of the father of the deceased/victim. According to the statement of the father and mother, deceased/victim, was kept as a wife. Looking to the evidence and the statement of the witnesses and the nature of the allegation levelled, 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