

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6683 of 2015

Goutam Kumar Manhare, son of Manglu Manhare, aged about 21 years, resident of village Amethi, Post Gullu, Tahsil Arang, District Raipur (C.G).

Applicant

Vs.

State of Chhattisgarh through Station House Officer, Police station Arang District Raipur (C.G). ... **Respondent**

For the applicant	:	Mr. L.C. Dash, Advocate.
For the Respondent	:	Mr. U.K.S. Chandel, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07.12.2015

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No. 305/2014 registered at Police station Arang, Distt. Raipur (C.G) for the offences punishable under sections 363, 366, 376 of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a missing report was made by mother of victim that the applicant has enticed the prosecutrix, took her away and thereafter committed sexual intercourse with her on the pretext of marriage. Subsequently the prosecutrix having been found, a case was registered and she being a minor, the offence is committed by the applicant.
3. Learned counsel for the applicant submits in the statement recorded u/s 164 Cr.P.C., the prosecutrix has stated that as the family members never wanted to perform marriage consequently the prosecutrix and the applicant went to Pune where they performed marriage and were living together as husband and wife and subsequently when they came back, the applicant has been arrested.

He further submits that the charge sheet has already been filed in this case and the applicant is in jail since 30.07.2015, therefore, he prays for releasing the applicant on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. I have gone through the statement of prosecutrix u/s 164 Cr.P.C., wherein she has not supported the case of prosecution and it is stated that she has performed marriage with the applicant at Pune and was staying there along-with applicant.
6. Considering the statement of prosecutrix u/s 164 Cr.P.C., and also the fact that the charge sheet has been filed in this case and the applicant is said to be in jail 30.07.2015, I am inclined to release the applicant on bail.
7. Accordingly, this bail petition is allowed and the applicant is directed to be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He shall appear before the trial Court as and when directed by the said Court.
8. Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**