

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5525 of 2015

1. Vijay Kumar Chouhan, S/O. Indramani Chouhan, Aged About 24 Years, Caste - Cheek, R/O. Village Chitkawain (Ghanjhutoli), P.S. - Narayanpur, District - Jashpur (Chhattisgarh), Civil & Revenue District - Jashpur Chhattisgarh

----Applicant

Versus

1. State Of Chhattisgarh, Through : Police Station Kansabel, District Jashpur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. A.K. Prasad, Advocate
For Respondent/State	: Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26/10/2015

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.42/2015, registered at Police Station – Kansabel, District Jashpur (C.G.) for the offence punishable under Section 363, 366, 376 (2)(n) of Indian Penal Code and Section 3 & 4 of the Protection of Children From Sexual Offence Act, 2012.
2. Case of the prosecution, in brief, is that on 24.02.2015, the applicant abducted the prosecutrix and thereafter they went to Vapi (Gujrat), where they married and worked in some company and from Gujrat both went to Kerla and lived there as husband and wife and on the report of the mother of the prosecutrix, the case has been registered.

3. Learned counsel for the applicant would submit that in the statement recorded before the Magistrate, the prosecutrix has categorically stated that she has married with the applicant and want to live as husband and wife even otherwise she had a love relation with the applicant and on the date of incident, she is more than 17 years of age and therefore, prays that the applicant may be enlarged 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 regard to the fact and the statement made under Section 164 of Cr.P.C. before the Magistrate and considering the border line of the age of the prosecutrix, 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