

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 267 of 2016

1. Bhupendra Patel, S/o. Durga Prasad Patel, aged about 24 years, R/o. Village-Kandai Nyadhi, P.S. Bemetara, District – Bemetara (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Bemetara, District – Bemetara (C.G.)

---- Respondent

For Applicant : Mr. D.K. Gwalre, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy. Govt. Advocate

For Objector : Mr. V.A. Goverdhan, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/01/2016

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.735/2015, registered at Police Station – Bemetara, District – Bemetara (C.G.) for the offence punishable under Section 363, 366 and 376 of the Indian Penal Code and U/s. 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that a missing report was made by the father of the victim that her daughter is missing from 16.11.2015. Subsequently on investigation it was found that the applicant eloped with the victim and thereafter has developed physical relation with the girl.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the

applicant and the girl were in love relation with each other and at the instance of the both, they have performed marriage on 16.11.2015. He relied on the marriage certificate filed along-with the bail application. He would further submit that according to the statement under Section 164 of Cr.P.C. they have performed marriage and on the date of marriage the girl was major. Therefore, counsel prays that considering the facts, the applicants may be enlarged on bail.

4. On the other hand, learned counsels for the State and Objector opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the statement recorded under Section 164 of Cr.P.C., wherein the prosecutrix has stated that she has performed marriage and went alongwith the applicant. Taking into the statement and the marriage certificate, 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