

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 144 of 2016

Dadu alias Dhaneshwar, S/o. Ishwar Manikpuri, Aged About 19 Years,
R/o. New Bus Stand, Khairagarh, P.S. Khairagarh, Distt. Rajnandgaon,
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through: Police Station Khairagarh, Distt.
Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant : Mr. Rakesh Pandey, Advocate

For Respondent : Mr. Sangharsh Pandey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25.01.2016

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.336/2015, registered at Police Station– Khairagarh, District Rajnandgaon (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code & Section 4 of 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 prosecutrix on 05.10.2015 and on investigation it was found that the victim who is minor and student of Class-10th was allured and taken away on the pretext of marriage by the applicant and subsequently committed forceful sexual intercourse with her and the said facts came to fore after the girl was recovered.

3. Learned counsel for the applicant submits that the applicant and victim were in love relation and the victim has performed marriage with the applicant on 19.10.2015 as per the statement under Section 161 and she has stated that she wanted to stay along-with the applicant. He further submits that as per the 10th mark sheet, the date of birth of the victim is shown as 10.09.1997 by which she was major on the date of performance of marriage, therefore, taking into such fact, the applicant may be enlarged on bail.
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. Perused the statement of the victim wherein she has stated that she has performed marriage with the applicant, therefore, taking into the statement of the victim and considering her date of birth, I am inclined to release the applicant on 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