

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 303 of 2016

Upendra Lasel, S/o. Khelan Lasel, Aged About 21 Years, R/o. Village
Gatoura, P.S. Kharora, Civil & Rev. Distt. Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through P.S. Kharora, Civil & Rev. Distt. Raipur,
Chhattisgarh

---- Respondent

For Applicant : Mr. J.K.Gupta, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29.01.2016

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.151/2015, registered at Police Station– Kharora, District Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code & under Section 4, 6 of POCSO Act.
2. Case of the prosecution, in brief, is that on 01.06.2015 a missing report was lodged by the father of the victim that his girl was missing and subsequently the girl was found in possession of the applicant on 15.06.2015. On investigation, it was revealed that the applicant has taken the prosecutrix on the pretext of marriage and committed sexual intercourse with her.
3. Learned counsel for the applicant submits that the applicant and victim were in love relation and since the marriage of the girl has been fixed elsewhere, she eloped and performed marriage with the

applicant and they themselves came back after performance of the marriage. He referred to the statement recorded under Section 164 and would submit that 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 prosecutrix recorded under Section 164 of Cr.P.C. wherein she has stated that she has performed marriage along with the applicant and she of her own went along with the applicant, therefore, considering the statement made by the prosecutrix, 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 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