

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2254 of 2016

1. Suraj Verma, S/o. Taran Verma, aged about 21 years, R/o. Village-Siltara, Police Station – Patharia, District-Mungeli (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Station House Officer, Police Station – Patharia, District – Mungeli (Chhattisgarh)

---- Respondent

For Applicant	: Mr. Goutam Khetrapal, Advocate
For Respondent/State	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/06/2016

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.06/2016, registered at Police Station – Patharia, District – Mungeli (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code, Section 3, 4 of Protection of Children from Sexual Offences Act, 2012 and Section 3 (2) (5) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.
2. Case of the prosecution, in brief, is that on 05.01.2016 a report was made by the father of the victim/girl that the applicant allured the minor girl and took her to the other city and committed sexual intercourse on the pretext of marriage.
3. Learned counsel for the applicant submits that on the date of incident, the victim/girl was aged about 17 years and 8 months and she was able to understand the welfare of her own and she was in love affair

and she herself went alongwith the applicant and the applicant has not committed any sexual assault, which would be evident from the statement recorded under Section 164 of Cr.P.C., therefore, the counsel 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.
6. After perusal of the statement recorded under Section 164 of Cr.P.C., wherein the victim/girl has not supported the case of the prosecution, without any observation on merit, 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