

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3681 of 2016

1. Narayan @ Khilu, S/o. Shri Guman Singh Meshram, aged about 21 years, R/o. Sanjari, P.S. Daundilohara, District – Balod (C.G.)

----Applicant

Versus

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

---- Respondent

For Applicant	: Mr. N.K. Chatarjee, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15/07/2016

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.276/2015, registered at Police Station – Devari, District – Balod (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 4, 5 (L), 6 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 01.12.2015 a missing report was made by the father of the prosecutrix that her daughter is missing from 25.11.2015. Subsequently she was found in the possession of the applicant, and after investigation it was revealed

that she being the minor she was taken away by the applicant on the pretext of marriage and has committed sexual intercourse. Thereby the offence is committed.

3. Learned counsel for the applicant submits that the girl/victim was in love relation with the applicant and she herself had went along with the applicant and performed marriage at Surat and thereafter they were living together and they came back and since the report was made, the applicant has been arrested. The counsel referred to the statement of the mother of the victim and would submit that the girl has performed marriage with the applicant and on the date she was more than 17 years six months as such she was able to understand her welfare. Therefore, 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 for the parties.
6. Perused the statement of the victim as also the statement of mother, wherein it is stated that the applicant has performed marriage with the victim/girl. Considering such statement of victim/girl and her mother, without any observation on merits, 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

Balram