

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3811 of 2016

- Rajesh Uikey S/O C. L. Uikey Aged About 20 Years Student B. A. Final, Resident Of Village Kosambuda, Gariyaband Police Station Chhura, Civil Distt. Raipur & Revenue District Gariyaband Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Gariyaband, District Gariyaband Chhattisgarh

---- Respondent

For Applicant	:	Mr. Ashok Kumar Verma, Advocate
For Respondent/State	:	Mr. Vinod Tekam, Panel Lawyer for the State.
For prosecutrix	:	Mr. Jaishankar Pandey, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19.07.2016

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 on 12-04-2016 in connection with Crime No. 54 of 2016, registered at Police Station Gariaband, District Gariaband (CG) for the offence punishable under Sections 450, 506, 323, 376 of the IPC, Sections 6 and 12 of the Protection of Children from Sexual Offences Act, 2012 and Section 65 of the Information Technology Act.
2. As per prosecution case, on 7-4-2016, a report was made by the prosecutrix that prior to three years of the incident i.e., on 6-1-2013 applicant entered into the house of the prosecutrix and thereafter had committed sexual intercourse with her and made video of the prosecutrix and because of fear she could not disclose the fact to any one and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the prosecutrix and the applicant were in love relation and the prosecutrix who is now major has stated that she wanted to marry the applicant and the parents of the prosecutrix and applicant also decided to marry the prosecutrix with applicant. Learned counsel for the applicant referred to a copy of agreement and affidavit of father of prosecutrix and the prosecutrix which is filed Annexure A/2 along with bail petition wherein they have stated that the prosecutrix is ready to marry the applicant and no objection has been made by the parents of the prosecutrix.
4. Learned counsel for the prosecutrix also appears and would submit that family members of the prosecutrix and the applicant have entered into agreement and they have decided to marry the prosecutrix with applicant.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. I have heard learned counsel for the parties and have also perused the case diary and the documents.
7. Perused the statements of the prosecutrix and also affidavit of the agreement which is filed along with bail petition of the applicant wherein the parents of the applicant and prosecutrix have stated that they have decided to marry the applicant with prosecutrix and further perused the affidavit of Sakshi Humne through her counsel Jaishanker Pandey supporting the bail application of the accused wherein it is stated that the applicant may be enlarged on bail so that they can perform marriage.
8. Taking into consideration the facts and circumstances of the case and considering the agreement entered into between the applicant and prosecutrix and the affidavit of the prosecutrix wherein it has

been stated that the both applicant and prosecutrix are ready to marry each other, I am inclined to release the applicant on bail.

9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju