

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3973 of 2016

Dhananjay Kumar Sahu, S/o. Padumlal Sahu, Aged About 34 Years, R/o. Village Mudpar, P.S. - Navagarh, Civil & Revenue Distt. Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Sheorinarayan, District Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Indrasen Sahu, Advocate

For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25.07.2016

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 in connection with Crime No.54/2016 registered at Police Station- Sheorinarayan, District Janjgir-Champa (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and under Section 6 of the Protection of the Children from Sexual Offences Act.
2. Case of the prosecution, in brief, is that on 13.03.2016 a report was made by the father of the girl, who was minor, that the girl is missing from 16.02.2016 and the applicant enticed the girl and took away and subsequently the girl was recovered from the possession of the applicant at Jammu & Kashmir and on 10.04.2016 after investigation, the alleged offence has been registered against the applicant.

3. Learned counsel for the applicant would submit that the girl is 17 years of age and she was in love relation with the applicant and she of her own had gone alongwith the applicant and they have performed the marriage, therefore, no offence is made out and the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the girl under Section 161 & 164 of Cr.P.C. which shows that the girl has performed marriage with the applicant. Considering such statement, without any further observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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.

Sd/-
(Goutam Bhaduri)
Judge