

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4000 of 2016

1. Mukesh Dewar @ Kosan, S/o. Taren Dewar, aged about 23 years, R/o. Amanaka, Kukurbeda, Trimurti Chauk, Raipur, Police Station Saraswati Nagar, Raipur, District – Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station- Chhuikhadan, Rajnandgaon (Chhattisgarh)

---- Respondent

For Applicant : Mr. S.S. Baghel, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/08/2016

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.45/2016, registered at Police Station – Chhuikhadan, District – Rajnandgaon (C.G.) for the offence punishable under Section 363, 366, 376 (2) (j) (n) of Indian Penal Code and Section 6 of POCSO Act.
2. Case of the prosecution, in brief, is that on 17.02.2016, a missing report was made by the grand-father of the victim/girl, subsequently, the girl was recovered on 25.02.2016 from the possession of the applicant and on investigation, it was revealed that the applicant enticed away the minor girl from the lawful custody of the parents on the pretext of marriage and committed sexual intercourse.

3. Learned counsel for the applicant submits that the victim/girl and the applicant were in love relation and they have performed marriage and she of her own had went along with the applicant, therefore, no offence is made out. It is further submitted that the applicant is in jail since 27.02.2016 and the charge sheet in this case has been filed, 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. Perused the case diary and the statement of the victim/girl recorded under Section 161 and 164 of Cr.P.C., wherein it is stated that she has performed marriage with the applicant. Taking into such statement without any further 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