

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3987 of 2016

Sanjay Tamraker, S/o. Anoop Tamraker, Aged About 25 Years, R/o. Village Chichli Gaderwara, Police Station Chichli, District Narsinghpur, Chhattisgarh. At Present R/o. Jagriti Nagar, Birgaon, Police Station Urla, Raipur, District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Urla Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Manoj Kumar Dube, Advocate

For Respondent : Mr. Lav Sharma, 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.112/2016 registered at Police Station- Urla, District Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 4, 6 & 8 of the Protection of Children from Sexual Offences Act (POCSO Act), 2012.
2. Case of the prosecution, in brief, is that a missing report was made by father of the prosecutrix on 13.04.2016 that the applicant has enticed the prosecutrix and took away, who is minor and thereafter committed forceful sexual intercourse with her. Subsequently, the girl was recovered from the possession of the applicant on 15.05.2016.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated as both the applicant and the girl was in love relation and they have performed marriage, which would be evident from Annexure A-2 which is a certificate from Arya Samaj and they were major on the date of marriage on 25.09.2015, therefore, 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 prosecutrix under Section 161 & 164 of Cr.P.C, wherein she has stated that she has performed marriage with the applicant. Considering such statement of the prosecutrix/ victim and the certificate, without any 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