

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4043 of 2016

- Dinesh Maravi S/O Goutam Maravi Aged About 22 Years R/O - Village - Chouranga, Post Office & Police Station - Bichhiya, District - Mandla (M.P.)

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station - Mandir Housad, District - Raipur Chhattisgarh

---- Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.07.2016

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 9-5-2016 in connection with Crime No. 62 of 2015, registered at Police Station Mandir Housad, District Raipur (CG) for the offence punishable under Sections 363, 366 and 376 of the IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per prosecution case, a report was made by the father of the prosecutrix that the applicant abducted the prosecutrix and thereafter he committed forcible sexual intercourse with her and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant and victim were in love relation and they were married to each other and out of their wedlock one child was also born which was evident from the statement of the prosecutrix

recorded under Section 164 of the Cr.P.C., therefore, no offence has been committed. He would further submit that the charge-sheet has been filed in this case, the applicant is in jail since 9-5-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statement of the prosecutrix recorded under Section 164 of the Cr.P.C, which would show that the prosecutrix has performed marriage with applicant and out of their wedlock one child was born.
7. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and further considering the statement of the prosecutrix and without any observation on the merits of the case, I am inclined to release the applicant on bail.
8. 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