

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4245 of 2016

1. Rehan Khan @ Shahrukh Khan, S/o. Late Shabir Khan, aged about 20 years, R/o. 18 PM Basti, By Line, Shivpur Hawda (West Bengal)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Kanker, District – Uttar Bastar Kanker (Chhattisgarh)

---- Respondent

For Applicant	: Mr. N.K. Chatterjee, Advocate
For Respondent/State	: Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/08/2016

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.402/2015, registered at Police Station – Kanker, District – Uttar Bastar Kanker (C.G.) for the offence punishable under Section 363, 366, 376 (2) (झ) (ढ) of Indian Penal Code and Section 6 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 11.11.2015 a report was made by the father of the prosecutrix that she is missing. Subsequently, enquiry was made and it was found that the applicant has enticed the minor girl on the pretext of marriage and thereafter committed sexual intercourse.

3. Learned counsel for the applicant submits that prosecutrix in this case has been examined before the Court below and she has not supported the case of the prosecution and the prosecutrix has performed marriage with the applicant, 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, however, is not able to dispute the fact that the prosecutrix has not supported the case of the prosecution.
5. I have heard learned counsel appearing for the parties.
6. Considering the statement of the prosecutrix, 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