

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4489 of 2016

Rajkapur @ Rajkumar Tandon, Aged About 27 Years, S/o Chaindas Tandon, R/o Karmandih, P.S. City Kotwali, Baloda Bazar, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through S.H.O. City Kotwali Baloda Bazar, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For applicant - Shri Hemant Gupta, Advocate.
For Respondent/State – Shri Arvind Shukla, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

22/08/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.160/2015 registered in Police Station City Kotwali, Baloda-Bazar, District-Baloda-Bazar-Bhatapara (C.G.) for offence punishable under section 363, 366 & 376 of Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act.
2. As per the prosecution case, a report was made by father of the prosecutrix on 16/05/2015 that his daughter is missing from 8/05/2015. Thereafter, the girl was recovered from the possession of the applicant on 3/05/2016 and on investigation it revealed that the applicant has enticed away the girl and thereafter on the pretext of marriage committed sexual intercourse.
3. Learned counsel for the applicant submits that the prosecutrix and the applicant were in love relation and they have performed marriage and she herself has joined the company of the applicant and therefore no offence is committed and the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the statement of the prosecutrix under Section 164 of Cr.P.C. which shows that the prosecutrix has performed marriage with the applicant and they were living as husband and wife and thereafter she became pregnant. Considering such statement, without further observation on the merits, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE