

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4585 of 2016

- Kanhaiya Lal Pisda S/O Late Chhabi Lal Pisda Aged About 22 Years Caste Halba, R/O. Kotatara, P.S. Charama, District Kanker Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : The Station House Officer, Police Station Dondi, District Balod Chhattisgarh

---- Respondent

For Applicant : Mrs. Hamida Siddiqui, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16-08-2016

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 6-7-2016 in connection with Crime No. 71 of 2013, registered at Police Station Dondi, District Balod (CG) for the offence punishable under Sections 363, 366, 376 of the IPC and Section 5 (J) (2)/6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 23-10-2013 a report was made by the father of the prosecutrix that the applicant enticed away his minor daughter from lawful guardianship of her parents and on the pretext of marriage he committed forcible sexual intercourse with her and she was recovered on 23-11-2014 and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the prosecutrix was in love relation with the applicant, she went along with the applicant of her own and she was married

to the applicant and was living with the applicant and out of their wedlock one child was born on 25-08-2014. It is further submitted that the charge-sheet has been filed in this case, the applicant is in jail since 6-7-2016 and no further investigation is required, therefore, he may be enlarged on bail.

4. *Per contra*, 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 Sections 161 and 164 of the Cr.P.C., which would show that the applicant and prosecutrix were married to each other and after marriage they were blessed with a child.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and also the fact that the charge-sheet has been filed and the applicant is in jail since 6-7-2016 and also further considering the statement of the prosecutrix, 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