

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4806 of 2016

1. Venudhar Behara, S/o. Kshetramohan Behara, aged about 26 years, Caste-Ganda, R/o. Village- Kenduban, Post Office & Police Station – Devbhog, District – Gariyaband (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Station House Officer, Police Station- Devbhog, District – Gariyaband (Chhattisgarh)

---- Respondent

For Applicant	: Mr. Shivendu Pandya, Advocate
For Respondent/State	: Mr. Neeraj Sharma, Dy.Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/08/2016

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.51/2016, registered at Police Station – Devbhog, District – Gariyaband (C.G.) for the offence punishable under Section 363, 366 & 376/[376(2)(n)] of Indian Penal Code and 4/6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that a report was made by Lambudhar that her daughter is missing from 24.03.2016. Subsequently on enquiry it was found that the present applicant enticed away the girl and took her and on the promise of marriage, committed sexual intercourse. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the girl/prosecutrix and the applicant were in love relation and they have performed marriage and she herself has joined the company of the applicant, therefore, no offence is made out against 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.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the prosecutrix recorded under Section 164 of Cr.P.C., wherein it is stated that she has performed marriage with the applicant. Taking into such statement 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