

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2688 of 2016

- Binda @ Vinod S/o Chandu @ Chandrakumar Satnami Aged About 20 Years R/o Magarghata, Police Station Nandghat, District Bemetara Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Nandghat, District Bemetara Chhattisgarh.

---- **Respondent**

For the applicant	:	Mr. B.P. Singh, Advocate
For the Respondent	:	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.06.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 32/2016 registered at P.S. Nandghat, Distt. Bemetara (C.G) for the offence punishable under Sections 363, 366, 376 of IPC and Sections 4 & 8 of Protection of Children from Sexual Offence Act, 2012.
2. As per the prosecution case, the applicant took away the minor girl from the lawful custody of mother and father and thereafter committed sexual assault on the girl, for which, a report was made by the father and the fact came to the fore after investigation on a report made by the father of girl on 23.01.2016 and the girl was recovered from the possession of the applicant on 28.01.2016.
3. Learned counsel for the applicant submits that the applicant has not committed any offence which is evident from the

statement recorded u/s 164 Cr.P.C., as the victim herself went alongwith the applicant for her livelihood and they have come down of their own, therefore, the applicant has been falsely implicated. He further submits that the victim wanted to marry the applicant, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the statements recorded u/s 161 Cr.P.C., wherein the victim has stated that she of her own went along-with the applicant and she is in love affairs with the applicant.
6. Considering the facts and circumstances of the case and taking into statement of prosecutrix, without any observation on the merits of case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE