

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.CR.C. No. 4989 of 2016

1. Satrugan @ Bajrangi Mahilang, S/o. Shri Ramlal Mahilang, aged about 19 years, R/o. Village-Gidhauri, Police Station : Dharshiva, Tahsil and District – Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Dharsiwan, District – Raipur (C.G.)

---- Respondent

For Applicant	: Mr. Dashrath Kushwaha, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/09/2016

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.142/2016, registered at Police Station – Dharsiwan, District – Raipur (C.G.) for the offence punishable under Section 363, 366, 376, of Indian Penal Code and Section 4 & 6 of the Protection of Children from the Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that a report was made by the father of the prosecutrix on 23.04.2016 that his daughter, who is minor is missing from 19.04.2016. Subsequently, after recovery of the victim, on investigation it revealed that the applicant has enticed

away the minor girl and on the pretext of marriage, committed sexual intercourse. Thereby the offence has been registered.

3. Learned counsel for the applicant submits that the incident is of 19.04.2016 and the report is made on 23.04.2016 and the charge-sheet has been filed, therefore, 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 161 and 164 of Cr.P.C., wherein she has stated that she was in love relation with the applicant and she herself has joined the company of the applicant and the applicant has not committed forceful intercourse. 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