

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5185 of 2016

1. Khuman, S/o. Tikam Markandey, aged about 22 years, R/o. Village-Tarighat, Police Station : Rajim, District – Gariyaband (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station - Rajim, District – Gariyaband (C.G.)

---- Respondent

For Applicant : Mr. B.D. Badgaiyan, 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.113/2016, registered at Police Station – Rajim, District – Gariyaband (C.G.) for the offence punishable under Section 363, 366, 376 (2)g, 354D, (1) (1) 506/34 of Indian Penal Code and Section 3 (A), 4, 5 (Dh), 6, 7, 8 of Protection of Children from Sexual Offence Act, 2012.
2. Case of the prosecution, in brief, is that a report was made alleging that prior to 19.05.2016 the applicant took the prosecutrix in his relative house and kept her in captivity and thereafter left her and again on 19.05.2016 while she was outside her house, Devendra

Thakur called her and asked that the applicant has called the prosecutrix and forcefully took her to the house of the applicant, wherein the applicant committed sexual intercourse in the house. Thereafter, the family members of the applicant informed the family members of the prosecutrix that she is in their house, thereafter, she was taken back. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the prosecutrix was in love relation with the applicant and according to the x-ray, age of the prosecutrix is almost 18 years and she was able to understand her well being and the way two times she herself has joined the company of the applicant, no allegation can be attributed against the applicant, therefore, counsel prays that the applicant may also 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, which shows that she was two times in the company of the applicant. Perusal of the x-ray report would show that the prosecutrix is shown to be 17 to 19 years of age. Considering the same along with the statement of the prosecutrix, 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

Balram