

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5591 of 2016

1. Dullu Ram Netam, S/o. Mata Ram Netam, age 31 years, R/o. Village-Mongradeeh, Post – Gona, Police Station – Shobha, District – Gariyaband (C.G.)

----Applicant

Versus

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

---- Respondent

For Applicant	: Mr. Mohd. Afroz Athar, Advocate
For Respondent/State	: Ms. Shobha Kashyap, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20/09/2016

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.08/2016, registered at Police Station – Shobha, District – Gariyaband (C.G.) for the offence punishable under Section 376 (2) (ढ) (wrongly mentioned in the impugned order as 376(2) (8) of Indian Penal Code and Sections 4 & 6 of POCSO Act.
2. As per prosecution case, the applicant enticed away the victim, who was minor and on the pretext of marriage committed sexual intercourse and she was kept for certain time in the house. Subsequently, she was deserted and refused to marry. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that, the applicant and the victim were in love affair and she of her own stayed along with the applicant and they staying as husband and wife and no forceful intercourse was committed as such the applicant is entitled for 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.. The prosecutrix is stated to be minor and positive allegations have been attributed against the applicant. Considering the same, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge