

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5673 of 2016

- Karan Mandle S/O Bali Mandle, Aged About 20 Years R/O Village Khamhariya, P.S. Bhatapara, District Balodabazar-Bhatapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through: Station House Officer, Out Post Lawan, Police Station Kasdol, District Balodabazar-Bhatapara, Chhattisgarh

---- Respondent

For Applicant : Mr. Yogesh Chandra, Advocate

For Respondent/State : Mrs. Shobha Kashyap, Dy.G.A.

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 for grant of regular bail to the applicant who has been arrested on 13-5-2016 in connection with Crime No. 26 of 2016, registered at Outpost Lawan, PS Kasdol, District Baloadabazar-Bhatapara (CG) for the offence punishable under Sections 363, 366 and 376/34 of the IPC and Sections 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per prosecution case, a report was made by the father of the prosecutrix that his girl was missing from 21-1-2016 and subsequently victim girl was found from the possession of the applicant on 13-5-2016. On inquiry it was revealed that the applicant enticed the minor girl from lawful guardianship of her parents and thereafter on the pretext of marriage he committed sexual intercourse with her and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case and the prosecutrix is aged about more than 17 years and she went along with the applicant of

her own and they were married to each other and while they were living together as husband and wife, the applicant was arrested. He would further submit that the charge-sheet has been filed in this case, he is in jail since 13-5-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statement of the prosecutrix recorded under Section 164 of the Cr.P.C., wherein she has stated that she herself joined the company of the applicant and was married to him and also perused the statement of Balkalyan Samiti wherein it has been stated that the victim married to applicant.
7. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and further considering the statement of the prosecutrix and the statement of Balkalyan Samiti and without any observation on the merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju