

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5851 of 2016

- Rajesh Vishwakarma S/O Amritlal Vishwakarma Aged About 20 Years R/O Village Bhaisakhuri, Police Station Basna, District Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Abhanpur, District Raipur, Chhattisgarh.

For Applicant : Mr. P.P. Sahu, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27-09-2016

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 21-6-2016 in connection with Crime No. 107 of 2016, registered at Police Station Abhanpur, District Raipur (CG) for the offence punishable under Sections 363, 366 and 376 (2) of the IPC, Section 3(2)(v) (a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Sections 3 & 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per prosecution case, on 8-5-2016 a report was made by complainant Raju Ram Pandey who is father of the victim girl that her daughter was missing from 2-5-2016 and on inquiry it was revealed that the applicant enticed away the minor girl and 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. The applicant and the prosecutrix were in love relation and the prosecutrix on her own went along

with the applicant and they went to Assam and they were married to each other and nothing has been stated by the prosecutrix against the present applicant, therefore, no offence is made out against the applicant. He would further submit that the charge-sheet has been filed in this case, he is in jail since 21-6-2016 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 categorically stated that she of her own went along with the applicant. They went to Assam and they were married to each other and were living together and when they came back, the applicant was arrested.
7. Taking into consideration the facts and circumstances of the case and further considering the statement of the prosecutrix, without any observation on the merit 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