

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7467 of 2015

Kewal Singh Pardhi, S/o. Ratan Pardhi, Aged about 25 years, R/o. Tarkori, Police Station- Dhamdha, District Durg (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Police Station Ghumka, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. H.S. Ahluwalia, Advocate
For Respondent/ State	:-	Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/01/2016

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 in connection with Crime No. 51/2015 registered at Police Station- Ghumka, District – Rajnandgaon (C.G.) for the offence punishable under Sections 363,366,376(2) (झ) (ढ)/ 120 B/ 34 of IPC and section 4, 6 and 17 of Protection of Children from Sexual Offence Act.
2. Case of the prosecution,in brief, is that on 10.05.2015 at about 5 AM the applicant took away the minor victim girl from the lawful guardianship of her father and mother. Thereafter, on the pretext of marriage the applicant has committed sexual intercourse with the prosecutrix. Thereby the offence is committed.
3. Counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that since the prosecutrix was forced to marry with the man of double age and the father of

two children, therefore, she resisted such action of her mother and father and the prosecutrix of her own called the applicant and went along with him, therefore, the applicant has not committed any force. He further relied the statement of the prosecutrix recorded under section 161 of Cr.P.C. and prays that the applicant may be enlarged on bail.

4. State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement. Perusal of the case diary and the statement of the prosecutrix, wherein she herself stated that she of her own went alongwith the applicant, since the mother and father assaulted her and forced to marry with the man of double the age and the father of two children. Taking the such contradictory statement recorded under section 161 of Cr.P.C., I am of the opinion that it is a fit case where the applicant can be released on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge