

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7489 of 2015

1. Suraj Barle, S/o. Late Phulchand Barle, aged about 21 years, R/o. Village-Majarkatta, Ward/Bard No.12, Post Office and Police Station – Gariyaband, District – Gariyaband (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : the Station House Officer, Police Station – Gariyaband, District – Gariyaband (C.G.)

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25/01/2016

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.93/2015, registered at Police Station – Gariyaband, District – Gariyaband (C.G.) for the offence punishable under Section 363, 366, 376 & 368/34 of I.P.C. and 4, 6, 12 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 24.06.2015, a missing report was made by the sister of the victim. Thereafter, the victim was recovered from the house of the brother-in-law of the present applicant on 19.07.2015 and on investigation it was found that the applicant on the pretext of marriage taken away the minor girl and thereafter on the pretext of marriage committed sexual intercourse.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the victim herself went alongwith the applicant, which would be evident

from the statement recorded under Section 164 of Cr.P.C. He would further submit that no offence has been committed by the applicant and the charge-sheet in this case has been filed and the applicant is in jail since 20.07.2015, therefore, the counsel prays that the applicant may 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 and perused the case diary.
6. Perused the statement of the victim recorded under Section 164 of Cr.P.C., wherein she has not supported the case of the prosecution and stated that she of her own went along-with the applicant and they want to marry with each other. Taking into such contradictory statement made under Section 164 of Cr.P.C., 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