

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7765 of 2015

Raju @ Rupesh Joshi, S/o. Santosh, Aged About 23 Years, R/o. Magarda,
P.S. Kawardha, Distt. Kabirdham, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, P.S. Bodla, Distt.
Kabirdham, Chhattisgarh

---- Respondent

For Applicant : Mr. Ajay Ayachi, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19.01.2016

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.102/2015, registered at Police Station– Bodla, District Kabirdham (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that a missing report was lodged by the father of the victim/ girl, who was stated to be minor, that from 19.08.2015 the girl is missing and subsequently she was found on 30.09.2015 on the custody of the applicant. According to the prosecution, the applicant has allured the girl and on the pretext of marriage, she took her away and thereafter committed sexual intercourse with her.
3. Learned counsel for the applicant submits that both the girl and boy were in relation and according to the statement under Section 161

itself there had been a proposal for marriage in between the parties for which the boy alongwith his parents also visited the house of the girl and resultantly the girl performed marriage with the boy, which is evident from the statement under Section 161. He further submits that since the marriage has been taken place between the girl and boy i.e. applicant, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the statement of the girl under Section 161 wherein it is stated that the applicant has performed marriage with the girl/ victim, therefore, taking into the statement of the victim, I am inclined to release the applicant on 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