

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7649 of 2015

Vijay Satnami (Tandan), S/o. Dhanesh Tandan, Aged About 25 Years,
R/o. Village Jepara, Tahsil Charama, P.S. Charama, Civil & Revenue
District North Bastar Kanker, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through : The Police Station Kondagaon, District
Kondagaon, Chhattisgarh

---- Respondent

For Applicant : Mr. P.K.Tulsyan, Advocate

For Respondent : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.01.2016

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.256/2014, registered at Police Station– Kondagaon, District Kondagaon (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 11.08.2014 a missing report was made by the father of the prosecutrix/victim that the applicant has allured the minor girl and taken away from his custody. Thereafter, on such report, the investigation was made and the offence has been registered that the applicant has committed forceful rape with the girl.
3. Learned counsel for the applicant submits that on 12.08.2014 the applicant has performed marriage with the victim as they were in love relation and thereafter they were started living together as

husband and wife and subsequently, she became pregnant and she of her own was living alongwith the applicant. Since a report was made, the applicant has been arrested by the police on 24.11.2015. He further submits that at the time of incident, the victim is more than 17 years of age and she was able to understand his well being and future. He further submits that the statement of the victim was also recorded before the S.D.M. wherein she has consented to the fact that he has performed marriage with the applicant and living together as husband and wife; therefore, the 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. Considering the statement of the victim/ girl wherein it is stated that she has performed marriage with the applicant and were living together, which was also consented by their family members, therefore, taking into such statement which is the part of record, 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

