

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7746 of 2015

Suraj Kumar Bandhe, son of Kartikram Bandhe, aged about 21 years,
resident of Village Asaunda, Police Station Kharora, District Raipur
(C.G). ... **Applicant**

Vs.

State of Chhattisgarh, through Station House Officer, Police Station
Kharora, Raipur, Distt. Raipur ... **Respondent**

For the applicant	:	Mr. Manoj Kumar Dubey, Advocate.
For the Respondent	:	Mr. Ramakant Mishra, Govt. Adv..

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19.01.2016

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No. 317 of 2013 registered at Police station Kharora, District Raipur (C.G) for the offences punishable under sections 363, 366, 376 IPC & Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a missing report was made on 03.10.2013 that the victim who is a minor was abducted and subsequently during investigation it was found that the applicant committed forcible sexual intercourse with her on the pretext of marriage and after recovery of the girl, the charge sheet has been filed.
3. Learned counsel for the applicant submits that the victim and applicant have performed marriage and she was recovered from in-laws house of the applicant in the year 2015 and out of wedlock a child was also born. He relied on the statement of the victim and her father, who have been examined as P.W.1 and

P.W.2 and submits that the victim has not supported the case of prosecution; therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the statement of prosecutrix wherein she has not supported the case of prosecution.
6. Taking into such statement of the victim wherein it was stated that she has performed marriage with the applicant and out of wedlock, a child was born and also considering the fact that the charge sheet in this case has been filed and looking to the detention period of the applicant as he is stated to be in jail since 11.07.2015, I am inclined to release him on bail.
7. Accordingly, this bail petition is allowed and the applicant is directed to be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He shall appear before the trial Court as and when directed by the said Court.
8. Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**