

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 265 of 2016

1. Ashwani Ghritlahare, S/o. Shri Ram Khelawan, aged about 21 years, Residing at Village- Kutela, Post Maihar, P.S. - Masturi, Revenue and Civil District – Bilaspur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Police Station – Masturi, District – Bilaspur (C.G.)

---- Respondent

For Applicant	: Mr. P.K. Tulsyan, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/01/2016

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.413/2013, registered at Police Station – Masturi, District – Bilaspur (C.G.) for the offence punishable under Section 363, 366 and 376 of the Indian Penal Code and U/s. 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that a missing report was made by the father of the victim that her daughter is missing from 02.09.2013. Subsequently the victim was recovered from the possession of the applicant and on investigation it was found that the applicant has committed the crime by taking the victim from the lawful guardianship from their parents and committed the crime.
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 of her own went alongwith the applicant and they have performed marriage long back and out of the wedlock they have been blessed by the child. He would further submit that the victim has not supported the case of the prosecution when she has been examined before the Trial Court. He would further submit that the applicant is in jail since 29.07.2015, 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, which is on record, which shows that victim has not supported the case of the prosecution. Taking into the fact that the applicant has married with the victim and she has not supported the case of the prosecution, 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