

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1678 of 2016

Narendra Tarak S/o. Late Santosh Tarak, Aged about 20 years, R/o. Kolar, Police Station Abhanpur, District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Abhanpur, District Raipur (C.G.)

---- Respondent

For Applicant	:-	Ms. Indira Tripathi, Advocate
For Respondent/ State	:-	Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

13/06/2016

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. 134/2014 registered at Police Station- Abhanpur, District – Raipur (C.G.) for the offence punishable under Sections 363,366,376 of IPC and section 3 & 4 of Protection of Children from Sexual Offence Act, 2012.
2. As per the prosecution case, in brief, is that on 22.12.2013 a report lodged by the father of the prosecutrix Bedram Sahu that his daughter who was minor was taken away by the applicant from the lawful guardianship, thereafter, the applicant committed forceful sexual intercourse with the prosecutrix and when she was recovered thereby the offence has been made out.
3. Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. She further submits

that the prosecutrix of her own went along with the applicant thereafter she has performed marriage along with the applicant which would be evident from the statement of the prosecutrix. She further submits that the charge-sheet has been filed and the applicant is in jail since 10.12.2015 therefore, he may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail.
5. Perusal of the statement of the prosecutrix wherein she has stated that she has performed marriage along with the applicant on her own and no offence has been attributed to the applicant. Considering the fact for the purpose of bail without any observation on merit, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-

(Goutam Bhaduri)
Judge