

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.2728 of 2016

Chhotu @ Golak Bihari Bag, S/o Lochan Bag, aged about 23 years, R/o Kashiram Nagar, Odiya Basti, Telibandha, Police Station Teli Bandha, Civil and Revenue District Raipur (CG).

APPLICANT

Versus

State of Chhattisgarh through Police Station Telibandha, Raipur, District Raipur (CG).

RESPONDENT

For Applicant	: Shri Pramod Shrivastava, Advocate.
For Respondent/State	: Shri Adhiraj Surana, Deputy Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

09.06.2016

1. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No. 426/2015 registered at Police Station Telibandha, Raipur, Distt. Raipur, for the offence punishable under Sections 363,366,376(2)(Da) of IPC.
2. Case of the prosecution, in brief, is that the applicant is said to have abducted the prosecutrix on 15.11.2015 and sexually exploited her knowing fully well the fact that prosecutrix was minor. FIR was lodged in this regard on 16.11.2015. Based on which, the present applicant was later on arrested on 01.12.2015.
3. Learned counsel for the applicant submits that the applicant is in detention since 01.12.2015. He further submits that the prosecutrix has not supported the case of prosecution and the applicant had married with the prosecutrix at Arya Samaj on 30.11.2015 and were living together as Husband and Wife, and

therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application on the ground that at the time of incident the prosecutrix was minor as per radiological report.
5. I have heard the counsel appearing for the parties.
6. Without commenting on merits, considering the totality of the facts and circumstances of the case more particularly the prosecutrix has not supported the case of the prosecution, the applicant having married the prosecutrix and also considering the fact that the applicant is in detention since 01.12.2015, this Court is of the opinion that present is the 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 the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(P. Sam Koshy)
V. JUDGE