

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4537 of 2016

Bhanu @ Chandrabhan, S/o. Itwari Banjare, Aged About 19 Years, R/o. Village Pitaiband, P.S. - Rajim, District – Gariyaband, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Police Station- Rajim, District – Gariyaband, Chhattisgarh.

---- Respondent

For Applicant : Mr. C.R.Sahu, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16.08.2016

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.9/2016 registered at Police Station- Rajim, District Gariyaband (C.G.) for the offence punishable under Section 363, 366, 376(2)(a) of Indian Penal Code and under Section 6 of Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 06.01.2016 the applicant enticed the girl and took her away from the lawful possession of her parents and thereafter on the pretext of marriage committed sexual intercourse and the girl was recovered on 20.01.2016 from the house of the relative of the applicant and after investigation the offence is said to have been committed.
3. Learned counsel for the applicant would submit that the prosecutrix was aged about 17 years and 7 months and she was able to

understand her well being and she herself has joined the company of the applicant and stayed in the house of the relative of the applicant as she wanted to marry with the applicant, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the victim/ girl under Section 161 & 164 of Cr.P.C. wherein it is stated that she herself has joined the company of the applicant. Considering the statement of the girl/victim and her age which is almost about 18 years and further considering the facts and circumstances of the case, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the 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.

Sd/-
(Goutam Bhaduri)
Judge