

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4582 of 2016

- Mani Ram S/O Ghanshyam Verma Aged About 21 Years R/O Village Dayalpur, P.S. Nandghat, District Bemetara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Nandghat, District Bemetara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Raghavendra Pradhan, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17-8-2016

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 on 25-05-2016 in connection with Crime No. 179 of 2016, registered at Police Station Nandghat, District Bemetara (CG) for the offence punishable under Sections 363, 366, 368, 376 of IPC and Sections 5 (I) & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that a report was made by complainant Deenanath that his wife/prosecutrix was enticed away by the present applicant and thereafter he committed sexual intercourse with her as she being a minor girl and thereby the aforesaid offence has been committed by the present applicant.
3. Learned counsel appearing for the applicant would submit that the statement of the victim girl recorded under Section 164 of the Cr.P.C., would show that initially the marriage of the prosecutrix was fixed with applicant Mani Ram and she forcibly entered the house of Maniram and despite applicant requested her to go to her house, she did not want to go back

and the victim stayed in the house along with Mani Ram, therefore, no offence has been committed by the applicant. He would further submit that the applicant has been falsely implicated, charge-sheet in this case has been filed and the applicant is in jail since 25-5-2016 and no further evidence is required, therefore, the applicant may be enlarged on bail.

4. *Per contra*, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statement of the victim recorded under Section 164 of the Cr.P.C., wherein she has categorically stated that she went to the house of the applicant Maniram of her own and despite applicant requested her to go, she never returned.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and also the fact that charge-sheet has been filed and the applicant is in jail since 25-5-2016 and further considering the statement of the victim girl recorded under Section 164 of the Cr.P.C, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)
Judge

Raju