

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1792 of 2016

1. Shrawan Kumar Dhanwar, S/o. Shri T.K. Babu, aged about 22 years, Occupation-Driver, R/o. Village- Banai, Thana – Gharghoda, Civil and Revenue District-Raigarh (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Gharghoda, Civil and Revenue District - Raigarh (Chhattisgarh)

---- Respondent

For Applicant	: Mr. Sunil Sahu, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer
For Objector	: Mr. Rajendra Tripathi, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/06/2016

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.75/2015, registered at Police Station – Gharghoda, District – Raigarh (C.G.) for the offence punishable under Section 363, 366(A), 376 of Indian Penal Code and Section 4, 6 of the Protection of Children's from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant took away the minor girl from the lawful guardianship of her mother and father on 12.04.2015 and the girl has started living alongwith the applicant and she was recovered on 07.07.2015 and the applicant was arrested on 10.07.2015.
3. Learned counsel for the applicant submits that the applicant and the victim girl were in love relation and earlier on 12.04.2015 she started

living with the applicant but subsequently on advise of her parents she returned to her sister's house and thereafter again joined the company of the applicant. He further submits that the applicant has been falsely implicated in this case and considering the age of the victim of 17 years and 7 months at the time of the incident and she was able to understand the welfare of her own, 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.
6. Perused the statement under Section 161 and 164 of Cr.P.C.. Taking into the statement under Section 164 of Cr.P.C., without any observation on merits, I am inclined to release the applicant on 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