

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 248 of 2016

Surya Prakash, S/o. Ram Prasad Satnami, Aged About 23 Years, R/o.
Village Darra, P.S. Seepat, District Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station
Akaltara, Distt. Janjgir Champa, Chhattisgarh

---- Respondent

For Applicant : Mr. N.K.Chatterjee, Advocate

For Respondent : Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28.01.2016

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.337/2015, registered at Police Station– Akaltara, District Janjgir-Champa (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code & Section 4 & 6 of POCSO Act.
2. Case of the prosecution, in brief, is that a missing report was made by the father of the prosecutrix/victim that her girl is missing and subsequently she was recovered from the possession of the applicant. On investigation, it was found that the applicant on the pretext of marriage has taken away the girl/victim to the different States and committed sexual intercourse with her.
3. Learned counsel for the applicant submits that the victim and the applicant were in love relation and the girl of her own went along with the applicant and she was not forced to go with the applicant

and they were living as husband and wife. He further submits that the father of the girl has also given an affidavit before the Court below that they want to marry the girl with the applicant on he is being released from the custody, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the statement of the girl/victim recorded under Section 161 of Cr.P.C. wherein she has stated that she of her own went along with the applicant and stayed as husband and wife with the applicant. Taking into such statement of the victim and also the statement of her father and further taking into facts and circumstances of the case, 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