

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1999 of 2016

Mohd. Aslam Khan, S/o. Abdul Jameel, aged about 30 years, R/o. Dheka Naka, Siddharth Nagar, Near Post Office, Police Station and Post Pawli, Civil and Revenue District Nagpur (M.H.)

---- Applicant

Versus

State of Chhattisgarh Through Police Station D.D. Nagar, District Raipur (C.G.)

---- Respondent

For Applicant	:-	Mr. Manoj Paranjpe, Advocate
For Respondent/ State	:-	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

14/06/2016

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. 99/2015 registered at Police Station- D.D. Nagar, Raipur, District – Raipur (C.G.) for the offence punishable under Sections 363,366,376 of IPC and section 4 of the Protection of Children from Sexual Offence Act, 2012.
2. As per the prosecution case, in brief, is that the applicant took away the prosecutrix being minor from the lawful guardianship of parents, and thereafter the applicant committed sexual intercourse with the prosecutrix against her will, thereby the offence has been committed.
3. Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. He further submits that

the prosecutrix and the applicant were in love affair and they have performed marriage each other which would be evident from the statement of the prosecutrix recorded under section 164 of Cr.P.C., therefore, no offence is made out against the applicant and he is in jail since 02.02.2016, therefore, he may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail.
5. Perusal of the statement of the prosecutrix wherein she has stated that she has performed the marriage along with the applicant and was carrying pregnancy. Considering such statement and the fact for the purpose of bail without any observation on merit, this Court is of the opinion, that the present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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