

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2475 of 2016

Tarun Sarthi, S/o. Roop Kumar Sarthi, Aged About 19 Years, R/o. Ward No.8, Near Niyogi Nursing Home, Below Bus Stand Manendragarh, P.S. Manendragarh, Distt. Korea, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Incharge Police Station Manendragarh, Distt. Korea, Chhattisgarh

---- Respondent

For Applicant : Smt. Usha Chandrakar, Advocate

For Respondent : Shri Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27.06.2016

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.293/2015, registered at Police Station Manendragarh, District Korea (C.G.) for the offence punishable under Section 363, 366, 376, 34 of Indian Penal Code and Section 4, 8 of POCSO Act.
2. Case of the prosecution, in brief, is that on 29.11.2015 the complainant Ratram made a report about missing of her minor girl. Subsequently, the girl was recovered from Anuppur and on investigation, it was found that the applicant and other accused has taken away the minor girl from the lawful guardianship of her parents and thereafter committed sexual intercourse with the girl.
3. Learned counsel for the applicant would submit that the girl was in love relation with the applicant Tarun Sarthi and the girl of her own had fled away with the applicant and a victim was able to

understand her welfare. It is further submitted that no allegation of sexual assault has been made against the applicant, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the girl. After going through the statement of the girl who appears to be of 17 years and considering the nature of allegation leveled and taking into fact that the charge sheet has been filed, without any observation on merit, 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