

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2484 of 2016

1. Nitesh Sahu, S/o. Rajesh Sahu, aged about 20 years, R/o. Kanshi Ramnagar, Qtr. No.575, P.S. Telibandha, District-Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : S.H.O., Police Station – Pali, District – Korba (Chhattisgarh)

---- Respondent

For Applicant : Ms. Indira Tripathi, Advocate

For Respondent/State : Mr. 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, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.56/2016, registered at Police Station – Pali, District – Korba (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and 4 of the Protection of Children from Sexual Offences Act.
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 02.03.2016 on the pretext of marriage and committed sexual intercourse and thereafter the girl and boy was recovered on 31.03.2016. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. It is submitted that the girl was aged

about 17 years and 7 months approximately and she was in love relation with the applicant and the girl of her own went along-with the boy and she was able to understand her welfare. It is submitted that considering the statement, no allegation can be attributed to this applicant, therefore, 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 of the girl, wherein she has stated that she went along-with the applicant of her own. Taking into the statement of the girl, without any observation on merit, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular 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