

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2949 of 2016

Shani Uraon S/o Shiriya Uraon Aged About 22 Years R/o Village Bhatmahul, P.S. Hasoud, District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Chandrapur, District Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. Abhishek Sinha, Advocate
For Respondent/ State	:-	Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

21/06/2016

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. 161/2015 registered at Police Station- Chandrapur, District Janjgir Champa (C.G.) for the offence punishable under Sections 363,366,376 of IPC and section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 21.12.2015, the victim girl was missing from the custody of her parents for which a report was made on 23.12.2015, subsequently the girl was recovered from the possession of the application on 17.01.2016. The applicant committed forceful sexual intercourse with the prosecutrix, thereby the offence has been committed.
3. Counsel for the applicant submits that at the instance of the girl, the girl herself joined the company of the applicant and she was

not allured or taken away from the lawful guardianship of their parents. He further submits that the statement of the victim was recorded under section 164 of Cr.P.C would show that the girl was in love affair with the applicant and they have performed the marriage, therefore, the applicant may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the prosecutrix recorded under section 164 of Cr.P.C. as also the statement and the copy of affidavit filed along with the bail application wherein she stated that she performed the marriage with the applicant and the girl stated more than 17 years old. Considering the fact for the purpose of bail 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.
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