

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3172 of 2016

1. Chandrasena Baghel, S/o. Damrudhar Baghel, age 27 years, R/o. Village – Udiyapal, Tahsil Bakawand, Chowki Bakawand, District – Bastar (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Chowki Bakawand, Police Station Nagarnar, District – Bastar (C.G.)

---- Respondent

For Applicant	: Mr. Alok Dewangan, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/07/2016

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.41/2016, registered at Police Station – Nagarnar, Chowki -Bakawand, District – Bastar (C.G.) for the offence punishable under Section 363, 366 (A), 376 of Indian Penal Code and Section 6 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that a report was made that the applicant on assurance of marriage took away the prosecutrix from the lawful guardianship of her parents on 16.03.2016 and thereafter took her to Jagdalpur and executed affidavit before the Notary and has performed marriage and thereafter committed sexual intercourse. Subsequently the prosecutrix was deserted. Thereby

the offence has been committed.

3. Learned counsel for the applicant submits that the prosecutrix has performed marriage with the applicant, which would be evident from the document Annexure A/2, affidavit filed along with the bail application and the prosecutrix also resided with the applicant. Therefore, under the facts of the case, the applicant may be enlarged on bail.
4. The State counsel was directed to verify the facts of the affidavit and the State counsel on verification has come out with the statement which shows that prosecutrix was alongwith the applicant for considerable period of time. The prosecutrix who is identified by the counsel is also present in the Court and stated that she has performed marriage with the applicant and do not object the bail.
5. Taking into such scenario and the background of this case, 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 the Cr.P.C. is allowed.
7. 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.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge