

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3552 of 2016

Ratan Dhruw, S/o. Rameshwar Dhruw, Aged About 21 Years, Labour Worker, R/o. Village Temari, Police Station Palari in the Civil & Revenue Distt. Baloda Bazar/ Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Palari in the Civil & Revenue Distt. Baloda Bazar/ Bhatapara, Chhattisgarh

---- Respondent

For Applicant : Mr. Janak Ram Verma, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12.07.2016

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.36/2016 registered at Police Station- Palari, District Baloda Bazar/ Bhatapara (C.G.) for the offence punishable under Section 376, 363, 366 of Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 23.01.2016 it was reported by the father of the victim Surendra Kumar Sahu that her daughter is missing and subsequently the victim was recovered from the possession of the applicant on 06.02.2016 and on enquiry, it was revealed that the applicant has taken the victim from the lawful guardianship and thereafter committed forceful sexual intercourse despite knowing the fact that she is minor.

3. Learned counsel for the applicant would submit that the applicant and victim were in love relation and they have performed marriage, which would be evident from the statement recorded under Section 164 of Cr.P.C. and they were residing near Nagpur and since the missing report was existing, the applicant was arrested; therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the victim under Section 164 of Cr.P.C. wherein she has stated that she has performed marriage with the applicant and they were residing at Khangaon near Nagpur. Taking into such statement, 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