

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4138 of 2016

Sukhsen Singh @ Nanku, S/o. Ramdhan Singh, Aged About 24 Years,
Caste- Gond, R/o. Amka, P.S.- Khadgawan, District- Koriya, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- Khadgawan, District-
Koriya, Chhattisgarh.

---- Respondent

For Applicant : Mr. Pushkar Sinha, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27.07.2016

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- Khadgawan, District Koriya (C.G.) for the offence punishable under Sections 363, 366, 376 (2)(f)(i)(I) of I.P.C. & 4(d)(i)(k)(I), 6 of POCSO Act.
2. As per the prosecution case, on 04.03.2016 a report was lodged by father of the prosecutrix Khulan Singh that her elder daughter Tara after quarreled with her husband came alongwith her three children and residing in the house of the complainant and in the intervening night of 25/26.02.2016, his younger daughter was not found. Then on enquiry, it was revealed that the applicant enticed the minor girl on the pretext of marriage and has kept her in his house and thereafter the girl was recovered from the possession of the applicant; thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case because of some dispute

arose in between the husband and wife and the victim in order to create pressure such report has been lodged and presently the complainant have also amicably settled the dispute, therefore, no offence is made out, so the applicant 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 161 & 164 of Cr.P.C. In the statement under Section 164, no allegations have been attributed against this applicant, therefore, 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