

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4198 of 2016

Bhupendra Sahu S/o Shyam Sundar Sahu, Aged About 19 Years R/o - Banjari, Tahsil & P/s. Sarangarh, Civil & Revenue District - Raigarh Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : S. H. O. of The Police Station - Sarangarh, District Raigarh Chhattisgarh

---- Respondent

For Applicant	:	Mr. Abhishek Saraf, Advocate.
For Respondent/State	:	Mr. Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri
Order On Board By

01/08/2016

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. 49/2016 registered at Police Station- Sarangarh, District- Raigarh (C.G.) for the offence punishable under Sections 363, 366, 376 of the I.P.C. and 4 of POSCO Act and 3 (2) (5) and 3 (1) (12) of the S.C./S.T. Prevention of Atrocities Act.
2. As per the case of the prosecution, on 31/01/2016, a report was made by Vedram, father of the prosecutrix that his minor daughter was abducted by the applicant and when the girl was found on 21/03/2016, it was stated by her that on the pretext of marriage she was subjected to sexually assault by the applicant.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case, the statement of the girl shows that she has performed marriage with the applicant and they were living as husband and wife, therefore, no offence is made out and the applicant may be released on bail..
4. Learned State counsel opposes the prayer for grant of bail.
5. Perused the documents and the case diary.

6. On perusal of statement of girl recorded under Section 161 and 164 Cr.P.C, it is clear that she is aged about 17 years, she has performed marriage with the applicant and she was living with him as husband and wife, therefore, considering the said facts and circumstances of the victim, I am inclined to release the present applicant on bail, without further observation on merit,
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge