

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4376 of 2016

Santosh Kumar @ Santosh Singh, S/o. Amar Singh Malviya, Aged About 21 Years, R/o. Dhigakhedi, P.S. Jawar, Distt. Sihor, M.P.

---- Applicant

Versus

State Of Chhattisgarh, Through P.S. Simga, Distt. Baloda-Bazar, C.G.

---- Respondent

For Applicant : Mr. Amit Kumar, Advocate

For Respondent : Mr. Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09.08.2016

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.33/2016 registered at Police Station- Simga, Distt. Baloda-Bazar (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 16, 17, 04 of POCSO Act.
2. As per the prosecution case, a missing report was lodged by the father of the victim that his girl is missing from 09.02.2016. Subsequently she was found in the possession of the applicant and on investigation, it was revealed that the applicant enticed the girl and took her away from the lawful guardianship of her father & mother and thereafter on the pretext of marriage committed sexual intercourse.
3. Learned counsel for the applicant would submit that the victim girl was almost 18 years of age and she has performed marriage with

the applicant as they were in love relation and, as such, no offence is made out; therefore, 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/girl under Section 161 & 164 of Cr.P.C. wherein it is stated that the victim has performed marriage with the applicant. Taking into such statement and the background of this case, 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