

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4536 of 2016

1. Smt. Santra Jal, W/o. Late Joshi Jal, aged about 45 years,
2. Ku. Meena, D/o. Late Joshi Jal, aged about 20 years,
3. Ku. Durga Jal, D/o. Late Joshi Jal, aged about 19 years,

All R/o. Sector 10 behind Street No.38 Jhopdi Oodiya Mohalla Bhilai
Tehsil and District - Durg (C.G.)

Permanent R/o. Village-Kampur, Raja Khariyar Road, P.S. Bodem
District – Raja Khariyar Road Oodisa

----Applicants

Versus

1. State of Chhattisgarh, Through : Station House Officer, Bhilai Nagar,
District – Durg (C.G.)

---- Respondent

For Applicants	: Mr. Avinash Chand Sahu, Advocate
For Respondent/State	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17/08/2016

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 applicants who have been arrested in connection with Crime No.418/2016, registered at Police Station – Bhilainagar, District – Durg (C.G.) for the offence punishable under Section 363, 366, 376, 294, 506, 323/34 of the Indian Penal Code and Section 5L/6 of Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that a report was made by the mother of the victim on 01.07.2016 alleging that son of the applicant No.1 enticed away the minor girl on the pretext of marriage and committed sexual intercourse and the present applicants kept the minor girl in captivity in their house.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case and no offence has been committed by the present applicants. It is further submitted that the girl was in love affair with the son of the applicant No.1 and she performed marriage with the son of the applicant No.1, therefore, the false allegation have been levelled. It is further submitted that the applicants are in jail since 08.07.2016, therefore, the counsel prays that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the statement of the girl recorded under Section 161 and 164 of Cr.P.C., wherein she has stated that she performed marriage with the son of the applicant No.1 and no allegation have been attributed against the applicants. Considering the same, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd
(Goutam Bhaduri)
Judge

Balram