

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4759 of 2016

1. Sagar Singh Bundela, S/o. Pratap Singh Bundela, aged about 24 years, R/o. Village-Girthan, P.S. Jaloun, Tahsil and District Jaloun (U.P.).

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station Dongergaon, District Rajnandgaon (Chhattisgarh)

---- Respondent

For Applicant	: Mr. Nasimuddin Ansari, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/08/2016

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 applicant who has been arrested in connection with Crime No.129/2016, registered at Police Station – Dongergaon, District – Rajnandgaon (C.G.) for the offence punishable under Section 363, 376 of the Indian Penal Code and Section 4 & 8 of Protection of Children from Sexual Offences Act.
2. Case of the prosecution, in brief, is that on 31.05.2016, a report was made by the father that the girl/prosecutrix is missing from 04.05.2016. Subsequently, the girl was found in the custody of the present applicant and on investigation it revealed that the applicant on the pretext of marriage has committed forceful intercourse with the prosecutrix. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the prosecutrix and the applicants were in love relation and the prosecutrix has performed marriage with the applicant, therefore, no offence is made out against the applicant and she herself has joined the company of the applicant, therefore, the counsel prays that the applicant 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 statement of the prosecutrix recorded under Section 164 and 161 of Cr.P.C., wherein she has stated that she has performed marriage with the applicant and she herself has joined the company of the applicant. Taking into such statement, this Court is of the opinion that present is a fit case, in which, the applicant 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 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge