

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4793 of 2016

1. Somar Say, S/o. Late Ramvrichh Harijan, aged about 25 years, R/o. Shivprasad Nagar, Out Post Basdei, Police Station – Surajpur, District – Surajpur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station- Surajpur, District – Surajpur (Chhattisgarh)

---- Respondent

For Applicant	: Mr. Pushpendra Kumar Patel, Advocate
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/08/2016

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.212/2016, registered at Police Station – Surajpur, District – Surajpur (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and under Section 4 of the Protection of Children from Sexual Offences act, 2012.
2. Case of the prosecution, in brief, is that a report was made by the father of the prosecutrix that the prosecutrix is missing and the boy the applicant is also missing from the house. Subsequently, the girl was recovered on 14.05.2016 from the possession of the applicant and on investigation it revealed that the applicant enticed away the girl and on the pretext of marriage committed sexual intercourse.

Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the prosecutrix is more than 17 years of age and he is able to understand her well being and she herself has joined the company of the applicant and they went to different places and performed marriage, therefore, no case is made out against 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 victim recorded under Section 164 of Cr.P.C., wherein the prosecutrix has stated that she has performed marriage with the applicant. Considering 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