

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5760 of 2016

- Nitesh Bhardwaj S/O Kanhaiya Bhardwaj Aged About 26 Years R/O Ward No. 36, Bhadrpara (Wrongly Mentioned Bhardapara In The Order Sheet) (New Guru Ghasidas Chowk) Balco Nagar, Korba, Police Station Balco Nagar, Civil & Revenue District- Korba, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Thankhamhariya (Wrongly Mentioned As Saja In The Order Sheet), District- Bemetra Chhattisgarh.

---- Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26-09-2016

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 on 14-7-2016 in connection with Crime No. 142 of 2015, registered at Police Station Thankhamhariya, District Bemetara (CG) for the offence punishable under Sections 363, 366-A and 376 of the IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 31-8-2015 a report was made by the complainant namely Ramlochan Sharma, who is father of the prosecutrix that her minor daughter was missing and during investigation it was revealed that the applicant enticed away the minor girl and on the pretext of marriage he committed sexual intercourse with her and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that applicant and the victim girl were in love relation and the victim girl of her own went along with the applicant and they were married to each other and she is aged about more than 18 years, therefore, no offence is made out. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 14-7-2016 and no further investigation is required, therefore he may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the report of Bal Kalyan Samit, Bemetra and also the statement of the prosecutrix recorded under Section 164 of the Cr.P.C., in which she has stated that she was married to the applicant and they were living together as husband and wife.
7. Taking into consideration the facts and circumstances of the case and further considering the statement of the prosecutrix and the report of the Bal Kalyan Samiti, without any observation on the merit of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju