

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7716 of 2015

Shailesh Kumar Todar, S/o. Yogendra Todar, Aged About 18 Years & 6th Months, R/o. Village Udela, P.S. Simga, District Baloda Bazar – Bhatapara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, P.S. Simga, District - Baloda Bazar – Bhatapara, Chhattisgarh

---- Respondent

For Applicant : Mr. F.S.Khare, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18.01.2016

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.28/2015, registered at Police Station– Simga, District Baloda Bazar- Bhatapara (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code & under Section 4 of Protection of Children from Sexual Offence Act, 2012.
2. Case of the prosecution, in brief, is that a missing report was made by the father of the prosecutrix on 22.01.2015 and thereafter the prosecutrix was recovered from the possession of the applicant on 27.11.2015. On investigation, it was revealed that the applicant has taken the prosecutrix on the pretext of marriage and committed sexual intercourse knowing that she is minor.

3. Learned counsel for the applicant submits that the applicant and prosecutrix both went alongwith and they have performed marriage and after marriage they were living together and on 27.11.2015 they themselves came to the Police Station and out of the wedlock the prosecutrix is carrying the pregnancy and, as such, the applicant may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the statement of the prosecutrix recorded under Section 164 of Cr.P.C. wherein she has stated that she has performed marriage alongwith the applicant and carrying pregnancy. Considering the statement of the prosecutrix and the fact that she do not want any action against the applicant, I am inclined to release the applicant on 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