

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4907 of 2016

- Krishna Kumar S/O Shri Sonram Sarthi Aged About 23 Years R/O Village Tendudarha, Police Chowki Beladula, Police Station Sarsiwa, District Baloda Bazar Bhathapara Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sarsiva, District Baloda Bazar Bhathapara Chhattisgarh.

---- Respondent

For Applicant : Mr. C.R.Sahu, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

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 28-06-2016 in connection with Crime No. 99 of 2014, registered at Police Station Sarsiwa, District Baloda Bazar-Bhatapara (CG) for the offence punishable under Sections 363, 366 and 34 of the IPC and Section 18 of the Protection of Children from Sexual Offences Act, 2012.
2. As per prosecution case, on 4-6-2014 the applicant enticed away the minor girl of complainant Krishna Kumar which is also supported by parents of the applicant and subsequently again he took away the minor girl and thereafter he was married to that girl at Raigarh and thereafter they went to Delhi for earning their livelihood and he was arrested on 28-6-2016.
3. Learned counsel appearing for the applicant would submit that the the applicant has been falsely implicated in the case, the applicant

and the prosecutrix were in love relation and the prosecutrix of her own went along with the applicant and they were married to each other, therefore, no offence is made out. He would further submit that the charge-sheet has been filed in this case, he is in jail since 28-6-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statement of the prosecutrix recorded under Section 164 of the Cr.P.C., wherein it has been stated that she of her own went along with the applicant and they were married to each other.
7. Taking into consideration the facts and circumstances of the case and further considering the statement of the prosecutrix, 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