

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5058 of 2016

- Om Prakash Verma S/O Baldau Verma Aged About 26 Years R/O Village Arjuni, P.S. Bhatapara (Gramin), District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. Bhatapara (Gramin), District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Hemant Gupta, Advocate

For Respondent/State : Mr. Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

31-08-2016

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 26-03-2016 in connection with Crime No. 35 of 2016, registered at Police Station Bhatapara (Gramin), District Baloda Bazar-Bhatapara (CG) for the offence punishable under Sections 363, 366 and 376 of the IPC, Sections 4 & 8 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(1) 12 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. Case of the prosecution, in brief, is that a missing report was made on 20-2-2016 by Gangaram, father of the girl that his minor girl was missing from 20-2-2016 and subsequently the girl was recovered from the possession of the applicant on 21-2-2016 at Goa. On

investigation, it was found that the applicant enticed the girl from lawful guardianship of her parents and thereafter 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 the applicant and the prosecutrix were in love relation, prosecutrix on her own went along with the applicant and they were married to each other and were living together at Goa. However, since the report was made, she was compelled to go back with the Police, but initially she refused to go with her father and as such no offence has been committed. He would further submit that the charge-sheet has been filed in this case, he is in jail since 26-03-2016 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 aged about 17 years recorded under Section 161 of the Cr.P.C., wherein she has stated that she was married to applicant and she was living with applicant together at Goa.
7. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant 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