

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5042 of 2016

1. Rakesh Kumar Dhidahi, aged about 22 years, S/o. Shri Uttam Kumar Dhidahi, R/o. Village- Manik Chauri, Tahsil and Police Station – Abhanpur, District – Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Station House Officer, Police Station – Abhanpur, District – Raipur (C.G.)

---- Respondent

For Applicant	: Mr. Malay Kumar Bhaduri, Advocate
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate.

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, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.127/2016, registered at Police Station – Abhanpur, District – Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and 3/4 of Protection of Children from Sexual Offences Act, 2012 (POSCO).
2. Case of the prosecution, in brief, is that on 24.05.2016 a report was made by the father of the girl that the applicant enticed away his minor girl from the lawful custody of her parents and thereafter, on the pretext of marriage committed sexual intercourse.
3. Learned counsel for the applicant submits that the prosecutrix and the applicant were in love relation and they have performed marriage and the prosecutrix herself joined the company of the

applicant, which would be evident from the statement made before the CWC. It is further submitted that the document Annexure A/4 is the certificate of Arya Samaj, which would show that the applicant has performed marriage with the victim, therefore, no offence is made out, therefore, it is prayed 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 case diary and the statement made before the CWC as also the statement made under Section 164 of Cr.P.C., wherein also it is stated that she has performed marriage with the applicant. Considering those 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