

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5167 of 2016

Chumman Lal Thakur, S/o. Narsih Thakur, Aged About 22 Years, R/o.
Village Roda, Police Station & Post Khallari, District Mahasamund (C.G.)

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Khallari, District
Mahasamund (C.G.)

---- Respondent

For Applicant : Mr. Manoj Paranjpe, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05.09.2016

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 in connection with Crime No.73/2016 registered at Police Station- Khallari, Distt. Mahasamund (C.G.) for the offence punishable under Section 363, 366 & 376 of Indian Penal Code and Section 4 of Prevention of Children from Sexual Offences Act.
2. As per the prosecution case, a report was made on 23.05.2016 by the father of the victim girl namely Mohan Nishad that the girl is missing. Subsequently, the girl was found on 26.05.2016 and after recovery, it reveals that the applicant enticed away the minor girl from the lawful guardianship of her parents and committed sexual intercourse on the pretext of marriage.
3. Learned counsel for the applicant would submit that the victim girl is 17 years of age and she was able to understand her well being. He

further submits that the girl was in love relation with the applicant and also performed marriage with the applicant and living as husband and wife, therefore, the applicant has been falsely implicated and as such he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the victim/ girl under Section 164 of Cr.P.C. wherein she has stated that she has performed marriage with the applicant. Considering such statement, without any observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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.

Sd/-
(Goutam Bhaduri)
Judge