

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5439 of 2016

Bablu Jagat, S/o. Goha Jagat (wrongly written as Gudda Jagat), Aged About 22 Years, R/o. Chandinagar, Near Gadyahi Mandir, Police Station Telibandha, District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Telibandha, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Kishore Narayan, Advocate

For Respondent : Mr. Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15.09.2016

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.110/2016 registered at Police Station- Telibandha, Raipur, District Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 3, 4 of Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a report was lodged by the mother of the victim girl Anita Sahu on 10.04.2016 that the girl is missing and subsequently when the girl was recovered on 05.05.2016 it was revealed that the applicant enticed away the minor girl from the lawful guardianship of her parents on the pretext of marriage and thereafter committed sexual intercourse with her.
3. Learned counsel for the applicant would submit that the girl and the boy both were in love relation and the girl was more than 17 years

of age and she was able to understand her well being and she of her own had went along-with the applicant and performed marriage which would be evident from the certificate and the statement made by the girl under Section 164 of Cr.P.C., therefore, no offence is made out and as such the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and statement of the girl under Section 164 of Cr.P.C. wherein she has stated that she was in love relation with the applicant and she performed marriage with the applicant. Considering the statement of the victim girl wherein it is stated that she of her own had went alongwith the applicant and performed marriage and thereafter they developed sexual relation, 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