

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5603 of 2016

1. Mohan Chandrakar, S/o. Arjun Chandrakar, aged about 31 years, R/o. Village-Torla, Navapara, P.S. - Kunda, District – Kabirdham (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Officer-in-Charge, Police Station – Kunda, District – Kabirdham (C.G.)

---- Respondent

For Applicant	: Mr. Anish Tiwari, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/09/2016

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.75/2016, registered at Police Station – Kunda, District – Kabirdham (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. Case of the prosecution, in brief, is that a report was made by Rajendra Prasad, the uncle of the prosecutrix that the applicant enticed away the minor girl from the lawful guardianship of her parents on the pretext of marriage and thereafter committed forceful sexual intercourse and the girl was recovered from the possession of the applicant on 10.06.2016.
3. Learned counsel for the applicant submits that the applicant and the girl/victim were in love relation, and the victim was not forced or

enticed away and they have performed marriage, therefore, the false allegation have been attributed against the applicant. Therefore, the counsel prays 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 statement of the victim/girl recorded under Section 164 of Cr.P.C., which shows that the victim and the applicant have performed marriage and she of her own had went along with the applicant. Considering such statement without any further observation on merits 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 each 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