

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5490 of 2016

- Nilesh @ Chhotu Masih S/O Premandas Aged About 21 Years R/O Village- Ganeshpur, Tahsil-Balodabazar, District-Balodabazar-Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Tikrapara, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. K.K. Pandey, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16-09-2016

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 on 28-7-2016 in connection with Crime No. 38 of 2016, registered at Police Station Tikrapara, Raipur, District Raipur (CG) for the offence punishable under Sections 363, 366, 376 of the IPC and Sections 3 & 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that a report was made by complainant Purnima Yadav that on 20-1-2016 her minor girl was missing and subsequently she was recovered on 28-7-2016. On investigation, it was revealed that the applicant enticed the minor girl from lawful guardianship of her parents and 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 and they were married to each other and were living together. He would further submit that the prosecutrix was a major girl aged more than 19 years and the offence is alleged to have been created. He would further submit that the charge-sheet has been filed in this case, the applicant is in jail since 28-7-2016 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, perused the case diary and other documents.
6. Perused the statements of the prosecutrix recorded under Sections 161 and 164 of the Cr.P.C., wherein she has categorically stated that she was married to the applicant.
7. Taking into consideration the facts and circumstances of the case and further considering the statements of the prosecutrix and without any observation on the merits 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

