

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5776 of 2016

Suryakant @ Surya Puraina, S/o. Jawahar Lal, Aged About 20 Years, R/o. Village Chhirati, P.S. Suhela, Distt. Balodabazar-Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : S.H.O. Police Station- Suhela, Distt. Balodabazar – Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Anil Singh Rajput, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26.09.2016

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.47/2016 registered at Police Station- Suhela, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 363, 366, 376 of I.P.C. and Section 16, 17 & 4 of the Protection of Children from Sexual Offences Act (POCSO).
2. As per the prosecution case, a report was made by the father of the victim on 31.03.2016 that the present applicant enticed away his minor girl from the lawful possession of the parents. Thereafter, the girl was recovered on 16.06.2016 and after investigation, it was revealed that the applicant on the pretext of marriage has taken away the girl and committed forceful sexual intercourse.
3. Learned counsel for the applicant would submit that after the girl was recovered her statement was recorded before the C.W.C. (Child Welfare Committee) wherein no allegations have been attributed to the present applicant and it is stated that she of her

own went along-with the present applicant as marriage of the victim/girl has been fixed by her parents to somewhere else. He further submits that the applicant is an innocent and he is in jail since 16.06.2016, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement given by the girl under Section 164 of Cr.P.C. as also the statement given to C.W.C. wherein the girl has stated that she had went of her own and no allegation is attributed against the applicant. Considering the same, 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