

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5829 of 2016

1. Vinod Kumar Bhargav, aged about 25 years, S/o. Shri Nohar Bhargav, R/o. Village (Bhaderkapa), Nipaniyan, P.S. - Lalpur, presently resided at – Ayodhyapuri, Jamnipali, P.S. - Darri, District – Korba (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Station House Officer, Police Station – Mungeli, District – Mungeli (C.G.)

---- Respondent

For Applicant	: Mr. Malay Kumar Bhaduri, Advocate
For Respondent/State	: Mr. Neeraj Sharma, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/09/2016

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.39/2016, registered at Police Station – Mungeli, District – Mungeli (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 4/6 of Protection of Children from Sexual Offences Act, 2012 (POCSO).
2. Case of the prosecution, in brief, is that on 11.01.2016 a report was made by Laxman, that her minor girl was missing from 09.01.2016. Subsequently, the girl was recovered on 02.02.2016. Thereafter, on investigation it revealed that the applicant enticed away the minor girl on the pretext of marriage and committed forceful intercourse. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant and the girl were in love relation and the girl herself had went along with the applicant and had performed marriage, which would be evident from the statement under Section 161 of Cr.P.C., therefore, no allegation can be 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 under Section 161 of Cr.P. C., wherein she has stated that she has performed marriage with the applicant. In the statement, it is further stated that she herself was in the company of 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 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