

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5995 of 2016

- Dhanesh Kumar Dugga S/O Sankuram Dugga Aged About 21 Years R/O Village Tolum Police Station - Manpur, District Rajnandgaon Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Manpur District - Rajnandgaon Chhattisgarh

---- Respondent

For Applicant : Mr. H.S. Ahluwalia, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04-10-2016

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 1-6-2016 in connection with Crime No. 32 of 2016, registered at Police Station Manpur, District Rajnandgaon (CG) for the offence punishable under Section 376 of the IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per prosecution case, on 13-5-2016 a report was made by the father of the prosecutrix that prior to one year of the incident, the applicant on the pretext of marriage had committed sexual intercourse with prosecutrix, who was a minor whereby she became pregnant and when she became pregnant, it was noticed by her family members and thereafter a report was made 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. The applicant was ready and willing to marry the prosecutrix and because of the fact that since the

prosecutrix was minor girl marriage could not be performed. On instructions, learned counsel for the applicant makes a submission that the applicant is ready and willing to marry the girl and presently the girl has delivered a child and she was in relation with the applicant. He would further submit that the charge-sheet has been filed in this case, the applicant is in jail since 1-6--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 and have also perused the case diary and the documents wherein prosecutrix was shown to be the age of 17 years.
6. Taking into consideration the facts and circumstances of the case and especially considering the submission made by learned counsel for the applicant, on instructions, that the applicant is ready ad willing to marry the prosecutrix, I am inclined to release the applicant on bail.
7. 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.
8. Let the submission made by the applicant before this Court that that he is ready and willing to marry the prosecutrix be conveyed to the prosecutrix by the trial Court in Devnagri language through police agency as it was a vital part and was a major consideration while grant of bail to the applicant

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

