

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5923 of 2016

1. Shrawan Kumar Nirala, S/o. Dukaluram, aged about 30 years, R/o. Kushragh, P.S. - Saliha, District – Baloda Bazar (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Dabhra, District – Janjgir-Champa (C.G.)

---- Respondent

For Applicant	: Mr. Ishwar Jaiswal, Advocate
For Respondent/State	: Ms. Shobha Kashyap, 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.186/2016, registered at Police Station – Dabhara, District – Janjgir – Champa (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 4, 6 of POCSO Act.
2. Case of the prosecution, in brief, is that a report was made by Ratna Bai, mother of the victim on 27.04.2016 that the present applicant has enticed away the minor girl from the custody of her parents. Subsequently, the girl was recovered on 17.05.2016 and on investigation it revealed that the applicant on the pretext of marriage has committed forceful intercourse. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and according to the statement of the girl, she herself went to the house of the present applicant as

she loved the applicant and wanted to marry and despite knowing everything he stayed in the house of the present applicant for considerable period and it is not stated that she was sexually exploited and she stated that like husband and wife they were living, 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 recorded under Section 161 of Cr.P.C. and statement before Child Welfare Committee and statement recorded under Section 164 of Cr.P.C., wherein she stated that she herself went to the house of the present applicant and stayed there and wanted to marry. Considering the 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