

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6026 of 2016

1. Rakesh Kumar, aged about 22 years, S/o. Badri Prasad Anant, Caste- Satnami, R/o. Village-Aurai Khurd, Police Chowki Naila, District – Janjgir-Champa (C.G.)

----Applicant

Versus

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

---- Respondent

For Applicant : Mr. Vivek Singhal, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/10/2016

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.325/2016, registered at Police Station – Janjgir, Chowki- Naila, District – Janjgir-Champa (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 6 of Protection of Children from Sexual Offences Act.
2. Case of the prosecution, in brief, is that a report was made by the father of the prosecutrix on 29.07.2016 that from 24.07.2016, her daughter was missing. Subsequently, the girl was recovered from the possession of the present applicant and on investigation it

revealed that the applicant enticed away the minor girl from the custody of the parents and thereafter, committed forceful sexual intercourse on the pretext of marriage. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the girl is aged about 17 years and she of her own went along with the present applicant as they were in love relation. It is further submitted that as per statement recorded under Section 161 of Cr.P.C. and the statement made before CWC, the girl has stated that she has performed marriage with the applicant, therefore, the counsel submits that no offence has been committed by the applicant, therefore, he may be released 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 girl under Section 161 of Cr.P.C. and statement made before the CWC, wherein she has stated that she has performed marriage with the applicant and she of her own had went along with 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

Balram