

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6015 of 2016

- Shashi Kumar Tandan S/O Sukhram Tandan Aged About 27 Years R/O Village Chauha Police Station Masturi, Tahsil & District Bilaspur Civil & Revenue District - Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : Police Station Masturi, Distt. Bilaspur Chhattisgarh

---- Respondent

For Applicant : Mr. Dharendra Pandey, Advocate

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

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 26-7-2016 in connection with Crime No. 475 of 2013, registered at Police Station Masturi, District Bilaspur (CG) for the offence punishable under Sections 363, 366 and 376 of the IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per prosecution case, on 29-10-2013 a report was made by the complainant Saupat Rai Suryawanrshi who is father of the prosecutrix that his minor daughter was missing from 28-10-2013. Subsequently, the girl came back in the year 2016. On enquiry, it was revealed that the applicant enticed away the girl from lawful guardianship of her parents and thereafter on the pretext of marriage he committed forcible sexual intercourse with her and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, applicant and prosecutrix were in

love relation, prosecutrix of her own went along with the applicant and they were married to each other in the year 2015 and out of their wedlock one child was also born and they went to Pune for earning their livelihood, therefore, no case would be made out against the applicant. He would further submit that the charge-sheet has been filed in this case, he is in jail since 26-7-2016 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.
6. Perused the statement of the prosecutrix recorded under Section 164 of the Cr.P.C., wherein it has been stated that the prosecutrix was married to applicant and out of their wedlock one child was also born and they were living together.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the statement of the prosecutrix, without any observation on the merit of the case, I am inclined to release the applicant on bail.
8. 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju