

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6091 of 2016

- Chain Das Bandhe S/o Atma Ram Bhandhe Aged About 26 Years
R/o Diwantola, Police Station Chhuriya, District Rajnandgaon
Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh through : Police Station - Chhuriya, Tahsil &
Civil & Revenue District - Rajnandgaon Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Atanu Ghosh, Advocate
For the Respondent	:	Mr. Anupam Dubey, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.10.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 121/2015 registered at P.S. Chhuriya, Distt. Rajnandgaon (C.G) for the offence punishable under Sections 363, 366(a) & 376 of IPC and Section 4 of the POSCO Act, 2012.
2. As per the prosecution case, a report was made by one Bisahu Das against the present applicant that on 27.07.2015 the applicant has enticed and took away the minor girl from his lawful custody being the grand father. Subsequently the girl was recovered from the possession of the present applicant on 20.05.2016 and on enquiry it was revealed that the applicant has enticed away the girl and on the pretext of marriage, committed forcible sexual intercourse.
3. Learned counsel for the applicant would submit the girl is aged about 19 years; she was in love relation with the present applicant and she herself went along-with him and

both they have performed marriage. He further submits that in the statement u/s 161 Cr.P.C., no allegations have been attributed to the applicant, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of the girl u/s 164 Cr.P.C., as also the statement given before the CWC. In 164 statement no allegations have been attributed and before the CWC it is stated that she has married to the applicant.
6. Taking into such statements and the age of the prosecutrix who is stated to be 19 years of age, without any further observation on merits of the case, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

GOUTAM BHADURI
JUDGE