

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6089 of 2016

1. Kumod Sunani, S/o. Mahadev Sunani, aged about 22 years, R/o. Village – Karamdihi Uparpara, District – Sundargarh (Orissa), Present Address – M-52, SECL, Ambedkar Bhawan, Out House Mudapar, Korba, Police Station – Kotwali, Civil and Revenue District – Korba (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : District Magistrate/Station House Officer, Out Post – Manikpur, Police Station – Kotwali, District – Korba (C.G.)

---- Respondent

For Applicant	: Mr. Dharmesh Shrivastava, Advocate
For Respondent/State	: Mr. Neeraj Sharma, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/10/2016

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.67/2016, registered at Police Station – Kotwali, Out Post- Manikpur, District – Korba (C.G.) for the offence punishable under Section 363, 366A, 376 of Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief is that on 06.02.2016 a report was made by Munna Prasad Prajapati, the father of the girl that his girl is missing from 04.02.2016. Subsequently the girl was recovered on

28.07.2016 and on investigation it revealed that the applicant has enticed away the minor girl from the lawful possession of her parents on the pretext of marriage and thereafter committed forceful sexual intercourse despite knowing the fact that she is minor. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that because of the ill treatment in the house, the girl has left the house, which would be evident from the statement recorded under Section 164 of Cr.P.C. and no allegation have been attributed to the applicant and the applicant has been falsely implicated in this case. 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 girl recorded under Section 164 of Cr.P.C., wherein no allegation have been attributed to this present applicant and it has been stated that the girl herself has went and when she tried to burn herself, she was saved by the present applicant and thereafter, she stayed in the house of the applicant. Further in the statement recorded under Section 161 of Cr.P.C., it is stated that she has performed marriage with the applicant. Considering such statements 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