

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6123 of 2016

- Suklal Sande S/o Mahaveer Sande Aged About 21 Years R/o Village- Jamgahan, Police Station- Malkharauda, District- Janjgir- Champa, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through Police Station- Bemetara, Civil & Revenue District- Bemetara, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Vaibhav Goverdhan, Advocate
For the State	:	Mr . Anil S. Pandey, Govt. Lawyer.
For the Intervener	:	Mr. Anil Gulati, Advocate.

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. 62 of 2016 registered at P.S. Bemetara, Distt. Bemetara (C.G) for the offence punishable under Sections 363, 366, 376 of IPC and Sections 4, 5 (Tha) & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a named FIR was filed against the present applicant by the sister of the victim on 30.01.2016 that the present applicant enticed away the girl from the custody of family members. On investigation it was revealed that the applicant has allured the girl and committed forcible sexual intercourse on the pretext of marriage.
3. Learned counsel for the applicant would submit that on the date of incident, the girl was major and further she has

performed marriage with the present applicant which would be evident from the statement given to the Police u/s 161 Cr.P.C. Therefore the applicant may be enlarged on bail.

4. Learned Counsel appearing for the victim girl also supports the fact that the applicant has performed marriage with the victim and it is submitted that she was major on the date of incident.
5. Per contra, learned State Counsel opposes the bail.
6. Considering the statement and age of of the prosecutrix and the submissions made by the counsel for the victim girl and further considering the documents filed in support of the bail, without any 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