

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6188 of 2016

- Durgesh @ Dadu Chandrakar S/O Rajendra Chandrakar Aged About 21 Years R/O Village Handaband, Police Station Mahasamund, Tahsil And District Mahasamund Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Mahasamund, District Mahasamund Chhattisgarh.

---- **Respondent**

For Applicant : Mr. L.C. Dash, Advocate

For Respondent/State : Mr. Anil S. Pandey, 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 for grant of regular bail to the applicant who has been arrested on 21-6-2016 in connection with Crime No. 302 of 2016, registered at Police Station Mahasamund, District Mahasamund (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, a report was made by the complainant Suresh Chandrakar, who is father of the prosecutrix that on 19-6-2016 his minor girl was missing from 18-6-2016. Subsequently, she was recovered on 20-6-2016 from the possession of the present applicant. On enquiry, it was revealed that the applicant enticed away the minor girl from lawful guardianship of her parents and on the pretext of marriage he committed 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, the applicant and the

prosecutrix were in love relation, the prosecutrix of her own went along with the applicant and no allegations can be attributed against the present applicant. He would further submit that the charge-sheet has been filed in this case, the applicant is in jail since 21-6-2016 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 she has categorically stated that she of her own went along with the applicant to Shirdi, Nagpur and some other places and while they were coming back they were caught hold by the relatives.
7. Taking into consideration the facts and circumstances of the case, nature of allegation 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