NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7862 of 2016

- Pushpendra Vishwakarma S/o Dayaram, Aged About 21 Years Caste Lohar, R/o Village Tonda, Police Station Urga, Tahsil & District Korba, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through The District Magistrate Korba, Police Station Urga, District Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Govind Ram Miri and Mr. Basant Kaiwartya, Advocates

For Respondent/State : Mr. Anant Bajai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14-12-2016

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 15-11-2016 in connection with Crime No. 201 of 2015, registered at Police Station Urga, District Korba (CG) for the offence punishable under Sections 363, 366 (A) of the IPC and Section 9 of the Child Marriage Act.

2. Case of the prosecution, in brief, is that on 27-7-2016 a missing report was lodged by father of the victim girl that his minor daughter Ahata Anjani was missing. Subsequently, the girl was recovered from the present applicant on 15-11-2016. On investigation it was revealed that the applicant had enticed away the minor girl from lawful guardian-ship of her parents and he was married to victim girl though she was minor 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 girl herself joined the company of the present applicant and she was married to present applicant and out of their wedlock one child was also born, therefore, no offence was committed by the applicant. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 15-11-2016 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, perused the case diary and other documents.

6. Perused the statement of the victim girl wherein no allegations have been attributed to the present applicant and she was married present applicant.

7. Taking into consideration the facts and circumstances of the case and further considering the statement of the victim girl, without further observation on the merits of the case, this court is 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