

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 5831 of 2017**

Nanda @ Nandan Rahi S/o Chhote Lal Rahi, aged about 24 years,
R/o Village Ramanujganj Masjidpara Ward No. 1, District Balrampur
Ramanujganj, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police Station
Ambikapur, District Surguja Chhattisgarh.

---- Respondent

For Applicant	:	Shri Nishi Kant Sinha, Advocate
For Respondent/State	:	Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****27/11/2017**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who has been arrested in connection with Crime No. 465/2013 registered at Police Station Ambikapur, District Surguja (CG) for the offence punishable under Sections 363 & 366 of IPC. The applicant is in jail since 20.07.2017.

2. The allegation, as per the prosecution, against the applicant is that on 21.09.2013, he is said to have eloped with the prosecutrix, a minor girl aged around 17 years 11 months and stayed with her for a considerable number of years.

3. Counsel for the applicant submits that it is a case where the applicant and the prosecutrix were having a love affair and that they had voluntarily and knowingly well eloped from the house on 21.09.2013. After about one month's time, the applicant and the prosecutrix got married and since

then they had been staying as husband and wife for about four years. Thereafter, they came back to the village and subsequently the applicant was arrested. Counsel for the applicant submits that now the prosecutrix is a major lady and has already got married to the applicant, therefore the applicant may be released on bail.

4. State counsel, however, opposing the bail application submits that the applicant knowingly the fact that the prosecutrix was a minor at the time of incident i.e. on 21.09.2013 has taken her to different locations and kept her in his confinement, therefore, he does not deserve to be released on bail.

5. Having considered the entire facts and circumstances of the case, particularly the age of the prosecutrix on the date of incident being 17 years and 11 months and also considering the duration of time when the girl went missing and the recovery after about 4 years and in the intervening period, the prosecutrix had sufficient opportunity to escape from the clutches of the applicant, this Court is of the opinion that prima facie, a strong case for grant of bail has been made out.

6. Accordingly, the application for grant of bail is allowed. 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 before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
JUDGE