

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1628 of 2017

- Suraj Singh S/o Vijay Bahadur Singh, Aged About 22 Years R/o Laxman Ban Talab, Near Shiv Mandir, Police Station Kotwali, Korba, Civil & Revenue District Korba Chhattisgarh

---- Petitioner

Versus

- State of Chhattisgarh Through Police Station Kotwali, Korba, District Korba Chhattisgarh

---- Respondent

For Applicant : Mr. Mirza Kaiser Baeg, Advocate

For Respondent/State : Mr. D.R. Minj, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23-03-2017

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 28-7-2016 in connection with Crime No. 90 of 2016, registered at Police Station Kotwali, District Korba (CG) for the offence punishable under Sections 363, 366(A), 376 of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 21-2-2016 a missing report was made by the father of the prosecutrix that his minor daughter was missing. Subsequently, she was recovered from the possession of the present applicant and on inquiry it revealed that present applicant enticed away the prosecutrix and on the pretext of marriage he committed forceful sexual intercourse with her and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the prosecutrix has been examined and she has stated that she and applicant were in love relation and at the time of incident she was 19 years old and

was major, she was married to present applicant and out of their wedlock one daughter was also born. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 28-7-2016 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 documents.
6. Perused the statement of prosecutrix (PW/1) wherein she has stated that she was married to present applicant.
7. Taking into consideration the facts and circumstances of the case and further considering the statement of the prosecutrix and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 28-7-2016, 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. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju