

HIGH COURT OF CHHATTISGARH, BILASPUR

M. Cr. C. No. 1858 OF 2017

Bhunu @ Bhuneshwar S/o Mitthu Ram Satnami aged about 23 years R/o village Jheet Police Station Amleshwar District Durg (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police of Police Station Amleshwar, District Durg (C.G.)

---- Non-applicant

For Applicant : Mr. CR Sahu, Advocate

For Non-applicant : Mr. Adil Minhaj, PL

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15/06/2017

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 in connection with Crime No.148/2016 registered at Police Station- Amleshwar, District Durg (C.G.), for the offence punishable under Sections 363, 366, 376(2)($\leq$) of Indian Penal Code and Sections 4, 5(B), 6 of Protection of Children from Sexual Offences Act.
2. As per the prosecution case, on 5.11.2016, a report was made by the mother of the victim namely Sukhwati that the present applicant enticed away the minor girl from the lawful custody of her parents and the said girl was recovered on 6.11.2016. During the investigation, it reveals that the present applicant has committed rape with the minor girl on the pretext of marriage, therefore, the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and has been falsely implicated in the case. He further submits that applicant and the victim had love and affair and they have performed marriage, which would be evident from the statement of the victim recorded under Section 164 of the CrPC. He would further submit that no further investigation would be necessary and applicant is in jail since 6.11.2016, therefore, the applicant may be released on regular bail.
4. The learned counsel for the State would oppose the prayer for grant of bail to the applicant.
5. Perused the case diary and considered the facts and circumstances of the case; also considering the statement of the victim, aged about 17 years, wherein she has stated that she had performed marriage with the present applicant and they were residing together and the fact that the applicant is in jail since 6.11.2016, I am inclined to release the present applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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)
Vacation Judge