

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2573 of 2017

- Harnarayan Goswami aged about 21 years r/o. Rameshpuri Goswami, r/o village Karmandi, PS Sivrinarayan, Tah. Navagarh, District Janjgir Champa (CG).

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, PS Navagarh, District Janjgir Champa Chhattisgarh.

---- Respondent

For Applicant : Mr. Ravindra Sharma, Advocate

For Respondent/State : Mr. Vivek Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13-06-2017

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 on 28-1-2017 in connection with Crime No. 156 of 2016, registered at Police Station Navagarh, District Janjgir-Champa (CG) for the offence punishable under Sections 363, 366(a) 376 of IPC and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per prosecution case, on 8-7-2016 a missing report was made by the mother of the prosecutrix that her minor daughter was missing. Subsequently, prosecutrix was recovered from the custody of the present applicant on 28-1-2017. During investigation it revealed that present applicant enticed away the minor girl from lawful guardianship of her parents and committed sexual intercourse with her and thereby the aforesaid offence has been committed.

3. Learned counsel appearing for the applicant would submit that the prosecutrix has been examined before the court below and she has stated that she performed marriage with the applicant and out of their wedlock one child was also born. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 28-1-2017 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).
7. Taking into consideration the facts and circumstances of the case and further considering the statement of the prosecutrix (PW/1), without further observation on the merits 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. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Vacation Judge

Raju