

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3427 of 2017**

Manish @ Tameshwar Verma S/o Shri Brijlal Verma aged about 22 years R/o village Bahera Kala Police Station Bemetara Tahsil and District Bemetara (CG)

Applicant

Versus

State of Chhattisgarh through SHO Police Station Bemetara District Bemetara (CG)

Respondent

For Applicant : Shri Vaibhav A. Goverdhan, Advocate.

For Respondent : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order On Board

13.06.2017

1. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No.200/2017 registered at Police Station Bemetara, District Bemetara for the offence punishable under Sections 363, 366 of the IPC and Sections 7, 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 1.4.2017, present applicant is said to have abducted the prosecutrix knowing fully well that she is the minor girl, aged about 16½ years and thereafter, a complaint was lodged by father of the prosecutrix. The prosecutrix, after she was taken to the custody and brought before the Magistrate, she has categorically made averment that she was having affair with the present applicant since long and the parents of the prosecutrix intended to marry her with different person and therefore, she has voluntarily left her parental home and had gone to the house of the present

applicant.

3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. He further submits that prosecutrix herself had gone to the house of the present applicant and the applicant is in detention since 1.4.2017, and therefore, the applicant may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard the counsel appearing for the parties.
6. Considering the totality of the facts and circumstances of the case, particularly, the statement of the prosecutrix under Section 164 of the CrPC and considering the fact that the applicant is in detention since 1.4.2017, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with two sureties in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(P. Sam Koshy)
Vacation Judge