

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6040 of 2017**

Anil Soni S/o Late Shri Ramlal Soni Aged About 35 Years R/o Saket Nagar Choubey Colony Chatarpur Police Station Chatarpur District Chatarpur Madhya Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer Police Station A J A K Surajpur Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Jitendra Shrivastava, Advocate.
For the Respondent/State	:	Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****07.11.2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.126 of 2017, registered at Police Station – AJAK, District – Surajpur, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code, Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that the applicant is in jail since 06.06.2017 and the applicant has been falsely implicated in this case. The applicant had love affair with the prosecutrix and it was on the asking of

the prosecutrix, the applicant took the prosecutrix alongwith him to Chatarpur. Both of them married in a temple and thereafter, started living as husband and wife. On the FIR lodged by the mother of the prosecutrix, the police has recovered the prosecutrix, the case was registered, investigated and the charge-sheet has been filed. It is further submitted that the applicant is innocent and the trial of the case is likely to take some time for its final disposal. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the age of the prosecutrix, at the relevant time, was below 18 years, hence, her consent and the marriage is of no consequence. Hence, for these reasons, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. Considering the rival submissions and the material in the case diary, the trial against the applicant is likely to take sometime for its final disposal and looking to the nature of case if the applicant is kept in detention for the whole period of trial this will not serve any purpose and the fact that the applicant is in jail since 6.6.2017, I am of the considered opinion that the applicant deserves to be released on bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that the applicant shall be released on bail on 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 as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge