

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 278 of 2017

Aakash Sarthi, S/o. Resham Lal Sarthi, Aged About 24 Years, R/o. Kewda Badi, Bus Stand, Jogidipa, Raigarh, Tahsil, Civil & Revenue District- Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- The Police Station House Officer, Kotra Road, Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Kamal Kishor Patel, Advocate

For Respondent : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30/01/2017

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.143/2016 registered at Police Station- Kotara Road Raigarh, District Raigarh (C.G.) for the offence punishable under Section 366, 376 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by the father of the victim on 09.06.2016 that her daughter is missing from 06.06.2016. Subsequently, when the girl was recovered, it was revealed that the present applicant has enticed away the minor girl from the lawful guardianship of her parents and on the pretext of marriage, he committed sexual intercourse with her. Thereby, the offence has been committed.
3. Learned counsel for the applicant would submit that the victim is a major lady and she was shown to be 17 to 19 years of age and

she resided of her own with the present applicant, therefore, no offence has been committed and, as such, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement under Section 161 & 164 of Cr.P.C. It appears that the applicant was already married earlier to the happenings of this crime. Considering the statement recorded under Section 161 & 164 of Cr.P.C. I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge