

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 552 of 2018

Ajay Kumar Gupta S/o Ram Naresh Gupta, aged about 32 years, R/o Kundikala, Police Station- Lundra, District- Surguja (C.G.).

---- Applicant

Versus

State of Chhattisgarh, through: Mahila Station House Officer, P.S. Lundra, Civil and Revenue, District- Surguja (C.G.).

---- Respondent

For Appellant	:	Mr. R.K. Pali, Advocate
For Respondent	:	Mr. Sumit Jhanwar, PL

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

22/03/2018

1. Heard.
2. The applicant has preferred first bail application filed under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 133/2017 registered at Police Station- Lundra, Civil and Revenue District- Surguja (C.G.) for the offence punishable under Sections 363, 366, 368, 376 (2) (g) of IPC and 5 (g) and 6 of the Protection of Children from Sexual Offence Act, 2012.
3. On the report made by one – Rekha Gupta, wife of the present applicant, police has registered the above offence. It is alleged that the applicant, leaving her married wife, has illegally solemnized the marriage with the prosecutrix, aged about 15 years on 10/03/2017.

4. Learned counsel appearing on behalf of the applicant submits that as per Aadhar Card, the date of birth of the prosecutrix is 01/01/1999 which shows that she is aged about 18 years. On the basis of above, the applicant has performed marriage with the prosecutrix by having her consent and they are living peacefully and happily in their home. It is further submitted that as per identity certificate issued by Secretary, Gram Panchayat and Sarpanch, District- Gadwa (Jharkhand), the date of birth of the prosecutrix is also 01/01/1999. The mother of the prosecutrix has also written supurdnama letter before the Child Welfare Authority on 25/05/2017, wherein, she has mentioned that her daughter is major. Lastly, it has been submitted that the applicant has not committed any crime and has been falsely implicated in the present, therefore, he may be released on bail.
5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned counsel for both the parties.
7. Considering the facts and circumstances of the case, particularly considering the fact that the FIR has been lodged by the wife of the present applicant not by the prosecutrix and as per the Aadhar Card, the date of birth of the prosecutrix is 01/01/1999, without further commenting on merit of the case, this court is inclined to release the applicant on bail.
8. Accordingly, MCRC. No. 552/2018 is allowed. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the

satisfaction of the trial Court. Thereafter, he will appear before the Trial Court on each and every date given by the said Court.

**Sd/-
Judge
Arvind Singh Chandel**

Rahul