

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 127 of 2018**

Jagdayal Bhuiyan S/o Indradev Bhuiyan, Aged About 21 Years R/o Village Cherwadih P. S. Ramchandrapur, District Balrampur Ramanujganj Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Ramchandrapur District Balrampur Ramanujganj Chhattisgarh

---- Respondent

For the Applicant	:	Shri A.N. Pandey, Advocate.
For the Respondent/State	:	Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****12.02.2018**

Heard.

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. 19 of 2016, registered at Police Station Ramchandrapur, District Balrampur, Chhattisgarh for the offence punishable under Sections 363, 366(A), 376(2)(N) of the Indian Penal Code and Sections 5 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 1.10.2016 and he has been falsely implicated in this case. On the date of incident, the prosecutrix was major and as per her own statement she accompanied the applicant willingly and stayed with him for about 2 ½

months in Kerala. A missing report was lodged by the brother of the prosecutrix and the case has been registered against the applicant. It is further submitted that the prosecutrix has been driven out from her maternal home and she is still willing to live with the applicant as his wife. 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 was below 18 years when the offence was committed. Hence, the applicant is not entitled for grant of bail.

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

5. The applicant and the prosecutrix had love affair between them. On 15.5.2016, the applicant and the prosecutrix eloped because of which, a missing report was lodged by the brother of the prosecutrix on 17.5.2016. As per the statement given by the prosecutrix to the police, she and the applicant stayed for about 2 ½ months in Kerala and when they came back the applicant was arrested on 1.10.2016. The age of the prosecutrix was found to be below 18 years during the period of commission of offence. Hence, this case.

6. As per the material present in the case-diary and the statement given by the prosecutrix under Sections 161 and 164 of the Cr.P.C., I am of the considered view that this is a fit case where the applicant should be enlarged on 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 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, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge