

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 292 of 2018**

B. Kiran, S/o. Istrail, Aged About 25 Years, Caste- Christian, R/o. Devendra Nagar Pochama Basti, Hyderabad, State Telangana.

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station -Bodhghat, District- Bastar Chhattisgarh.

---- Respondent

For Applicant : Mr. Vikas Shrivastava, Advocate

For State/respondent : Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****15/03/2018**

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.82/2016, registered at Police Station – Bodhghat Bastar, District – Bastar (C.G.), for the offence punishable under Section 363, 366 and 376 of the Indian Penal Code and Section 6 of Langik Apradhon Se Balkon Ka Sanrakshan Adhiniyam, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix in this case was major on the date of incident and applicant and prosecutrix both had love affair because of which, they have married

according to the social rights in Hyderabad. Prosecutrix herself wants to live with this applicant because of which, she has filed affidavit before the concerned Sessions Court and there is a mention of this affidavit in the order passed by the Sessions Court below. Hence, no case is made out against this applicant as alleged by the prosecution. Therefore, the counsel prays that the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the age of the prosecutrix according to the school documents is about 16 and half years. Hence, she was certainly a minor when applicant is allegedly married her, hence, offence is made out and no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the prosecutrix left her house at Jagdalpur on 12.03.2016 and went missing. A missing report was lodged by her father. Prosecutrix was recovered on 02.12.2017 from the custody of this applicant and thereafter she made the statement under Section 161 of Cr.P.C. that she was abducted and raped by the applicant. Hence this case.
6. Considered the submissions made and the contents of the case diary. Considering the entire material present in the case diary and further considering the statement recorded under Section 164 of Cr.P.C., wherein the prosecutrix has made different statement according to which, the arguments submitted on behalf of the applicant finds some

support and also there is the fact that the affidavit was filed by the prosecutrix before the Sessions Court expressing her no objection, hence for this reason, this Court is of the opinion that present is a 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 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge