

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 681 of 2018**

Subham Sarthi S/o Jagarnath Sarthi Aged About 25 Years Caste Sarthi, R/o Village Pali, Tehsil And Police Station Pali, District Korba, Chhattisgarh., District : Korba, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Pali, District Korba, Chhattisgarh., District : Korba, Chhattisgarh.

---- Respondent

For the Applicant : Shri Lalit Jangde, Advocate.
For the Respondent/State : Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****30.04.2018**

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.88 of 2017, registered at Police Station Pali, District – Korba, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 20.5.2017 and has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. The prosecutrix has given statement under Section 164 of the Cr.P.C. in which

she has clearly stated that she willingly accompanied with the applicant to various places and she had love affair with the applicant because of which, she married with the applicant on 3.5.2017 on that date, she was a major girl. 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 prosecutrix was minor on 24.1.2017 and she was abducted by this applicant. Hence, the applicant is not entitled for grant of anticipatory bail.

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

5. According to the prosecution case, the prosecutrix went missing on 24.1.2017. On 2.5.2017, mother of the prosecutrix lodged FIR against the applicant alleging offence of abduction committed by him. The prosecutrix was recovered from the custody of this applicant on 20.5.2017. On the basis of the statement of the prosecutrix, the other offences were also registered.

6. On perusal of the statement under Section 164 of the Cr.P.C. and the arguments submitted on behalf of the applicant finds support. Hence, under these circumstances and looking to the period of detention that the applicant has undergone so far, I feel inclined to grant regular bail to the applicant.

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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge