

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1554 of 2018**

Rajendra Gayakwad S/o Shri Sonu Ram, Aged About 21 Years
 R/o- Village Moherenga, Police Station Kharora, Tehsil Tilda,
 District Raipur, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through- Station House Officer, Police
 Station Kharora, Tehsil Tilda, District- Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri R.S. Marhas, Advocate
For the State	:	Shri Samir Behar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**07/05/2018**

1. This is the second bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. On behalf of the applicant an application has been already filed that no other bail is pending before the Supreme Court, thus the direction of this Court dated 06/04/2018 has been complied.
3. Perused the case diary provided by the learned counsel for the State in connection with the Crime No. 45/2017 registered at Police Station Kharora, District Raipur (C.G.) for the offences punishable under Sections 363, 366, 376 of Indian Penal Code and Section 3 & 4 of Protection of Children from Sexual Offences Act, 2012.
4. Learned counsel for the applicant argued that statement of the prosecution has already been recorded in trial Court and she has not supported the prosecution case. Applicant is in jail since 20/06/2017,

thus applicant may be enlarged on bail.

5. On the other hand, learned counsel for the State opposes the bail application and pointed out that a charge-sheet under Section 302, 201/34 of IPC has already been filed against the applicant, incident was occurred on 23/04/2011.
6. Case of the prosecution, in brief is that date of birth of the prosecutrix is 01/10/1999 and she is resident of village Mohrenga. On 21/02/2017 by 05.00 a.m. the father of the prosecutrix Santram Bandhware found that the prosecutrix is not present in the house. He reported the matter in Police Station Kharora, subsequently the prosecutrix was recovered from the possession of the present applicant. During the investigation it has been found that on 21/02/2017 said applicant taken away her by enticing and they performed the marriage in Somnath Temple. They went Puna where they lived near about three months, said applicant had committed sexual intercourse against will and wish of the prosecutrix, ultimately she became pregnant.
7. As per the statement of the prosecutrix recorded in the trial Court, she had love affair with the applicant, she wants to marry with him but her family members were not ready, thus she herself left the parental house and they married in Somnath Temple.
8. Looking to the above mentioned facts and circumstances of the case, looking to this fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, that the applicants is in jail since 20/06/2017, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.
9. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed.
10. It is directed that if the applicant furnishes two solvent sureties each

for a sum of Rs. 25,000/- along with a personal bond of Rs. 50,000/- in the like sum to the satisfaction of the concerned Court with the condition that he shall appear before the trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.

11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge

Kamde