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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1820 of 2018

- Sanad Verma S/o Shri Tan Singh Verma Aged About 21 Years R/o- Aalesur, Police Station- Kharora, District- Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Kharora, District- Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Smt Indira Tripathi, Advocate
For Respondent/ State	:	Shri UNS Deo, Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

ORDER ON BOARD

23.04.2018

1) This is first bail application under Section 439 of the Cr.P.C., preferred by the applicant before this Court and no other bail application is pending before any other Court.

2) Perused the case diary provided by the learned counsel for the State in connection with Crime No.180 of 2016 registered in Police Station Kharora, District Raipur (CG) for offence punishable under Sections 363. 366, 376 of the IPC and Section 6 of POSCO (Protection of Children from Sexual Offences) Act, 2012.

3) Prosecution story, in brief, is that at the time of the incident, prosecutrix was near about 15 years of age. She was resident of village Alasur, Police Station Kharora, District Raipur. On 24.05.2016, the applicant took away the prosecutrix developing love affair and enticed her to marry.

4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the case and has not committed any offence. He further submits that the applicant is innocent and has no criminal antecedent, therefore, he may be released on bail.

5) On the other hand, learned State counsel opposes the bail application.

6) I have heard learned counsel for the parties and perused the case diary.

7) As per the statement of statement of the prosecutrix recorded under Section 164 Cr.P.C., she went to Pune for doing work along with the applicant. There, they performed marriage, thereafter, she became pregnant and inclined to live with him. The applicant has not committed any act forcibly with her. She does not want to take any action against the applicant. As per the statement of the prosecutrix recorded by the Children Welfare Committee, Raipur, she left her house voluntarily and accompanied the appellant. Looking to these circumstances and other facts of the case and also looking to

the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time and also the fact that the applicant is in jail since 31.01.2018, this Court is inclined to give benefit of Section 439 of the Cr.P.C., to the present applicant.

8) Accordingly, the bail application of Sanad Verma filed under Section 439 of the Cr.P.C., is allowed.

9) It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned trial Court with the condition that he will appear before that Court as and when directed till completion of the trial and he would cooperate during the trial, the applicant be released on bail.

Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

padma