

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.2384 of 2018**

Gangadhar Dhritlahre, S/o Nandram Dhritlahre, aged about 24 years, R/o Tedhadhoura, P.S. Fastarpur, District Mungeli, Chhattisgarh

---- Applicant**versus**

State of Chhattisgarh through Station House Officer of Police Station Fastarpur, District Mungeli, Chhattisgarh

---- Respondent

For Applicant	:	Shri Pallav Mishra, Advocate
For Respondent	:	Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****1.5.2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the Applicant who has been arrested in connection with Crime No.101 of 2016 registered at Police Station Fastarpur, District Mungeli for offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act.
2. Case of the prosecution, in brief, is that a missing report of a minor girl aged about 16 years was lodged by her uncle Rajesh Navrang on 21.2.2016. 2 years thereafter, the girl returned to her village along with the Applicant and their child. Since the girl was minor, offence has been registered against the Applicant and he has been arrested and is in jail since 9.1.2018.

3. Learned Counsel appearing for the Applicant submits that there is a love relation between the girl and the Applicant. The girl had left her house at her own will. The girl and the Applicant lived together in Haryana, Delhi and Bhopal. They also performed marriage and out of their wedlock they have been blessed with a child. It is further submitted that in her statement recorded under Section 164 of the Code of Criminal Procedure, the girl has not supported the case of the prosecution.
4. Learned Counsel appearing for the Respondent/State submits that though the girl was a consenting party, she was minor on the date of incident. Therefore, the offence is made out against the Applicant.
5. I have heard Learned Counsel appearing for the parties and perused the entire material available with due care.
6. Taking into consideration the facts and circumstances of the case, particularly that the girl, in her statement under Section 164 of the Code of Criminal Procedure, has not supported the case of the prosecution, as per her statement, she had left her house at her own will, she and the Applicant have performed marriage and out of their wedlock they have been blessed with a child, without further commenting on merits of the case, I am inclined to enlarge the Applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on furnishing a personal bond in the sum of Rs.10,000/- with one solvent surety in the like sum to the satisfaction of the concerned

Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
JUDGE

Gopal