

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7897 of 2017

- Balram Jana @ Bappi Jana S/o Mr. Bharat Chandra Jana, Aged About 27 Years, R/o Village And Post Kaithkhola, P. S. Bansada, District Bhadrak Orissa , Orissa

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Chhotedongar, District Narayanpur Chhattisgarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Raza Ali, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-02-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 16-06-2017 in connection with Crime No.12/2014 registered at P.S. Chhotedongar, District Narayanpur, Chhattisgarh for the offence under Section 363, 366, 366A, 376, 371/34 of the IPC and Section 6 of POCSO Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated in this case. The prosecutrix herself has given statement under Section 164 of the Cr.P.C. that she willingly accompanied the applicant to Tamilnadu for labour work and she fell in love with him and both of them have married. It is further submitted that at the time of marriage the prosecutrix was aged above 18 years. Hence, no case is made out against the applicant. Therefore, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposing the application submits that on initial date of incident in June 2012 age of the prosecutrix was nearly 16 years and looking to the statement given by the prosecutrix under Section 161 of the Cr.P.C., the applicant is not entitled for grant of bail.

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

5. As the case is, on June 2012 the prosecutrix went missing. A missing report was lodged on 26-02-2013 by father of the prosecutrix. Later on one FIR was lodged on 14-10-2014 against other persons Asha Bihari and Krishna Lahare and on the basis of which offence of abduction was registered. Later on, the prosecutrix was recovered from the custody of the applicant on 15-06-2017 and on the basis of the statement given by her, the case has been registered against this applicant.

6. Considered on the submissions made and the contents of the case diary.

7. Considered on the entire material present in the charge sheet. Prosecution against this applicant is based only on this ground that age of the prosecutrix was below 18 years. The prosecution relies on the entry in the school register and the applicant intends to contest this point on the ground that the prosecutrix was a major lady on the date of incident. Hence, taking into consideration these facts, I am of this view that the applicant should be released on bail during pendency of the trial against him.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge