

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3026 of 2018**

Heera Singh, S/o. Tarshem Singh, Aged About 24 Years, R/o. Village Dhardev, Police Station -Mehta, Distt. Amritsar, Punjab. Present Address Camp-1, Road-18, Pandey Mohalla Bhilai, P. S. Chhawani, Distt. Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through :P. S. Chhawani, Distt. Durg Chhattisgarh.

---- Respondent

For Applicant : Mr. Arvind Dubey, Advocate

For State/respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**21/06/2018**

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.401/2017, registered at Police Station – Chhawani, District – Durg (C.G.), for the offence punishable under Section 363, 366, 376, 506 of the Indian Penal Code and Section 5 (L)/6 of Protection of Children from Sexual Offence Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 06.10.2017. Charge-sheet has been filed after completion of

investigation. No case is made out against the applicant on the basis of the material present in the case diary. In fact the applicant and the prosecutrix had love affair and they have performed marriage and living together. The age of the prosecutrix is above 18 years on the date of incident. Hence, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, it is alleged that this applicant allured the prosecutrix aged about 17 years with false promise to marry her and abducted her on 27.08.2017. Prosecutrix was recovered on 06.10.2017. Thereafter, she has given statement that she has married the applicant and she was having the physical relation with him regularly and also they have performed marriage in Dongargarh temple.
6. Considered on the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and after viewing the statement of the prosecutrix recorded under Section 164 of Cr.P.C., this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram