

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3818 of 2018**

- Manoj Kumar Jaiswal S/o Lakhan Lal Jaiswal Aged About 23 Years R/o Sakin Thakripara, Thana Jarhagaon, District-Mungeli, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station, Jarhagaon, District- Mungeli, Chhattisgarh.

---- Respondent

For Applicant	: Shri Mateen Siddique, Advocate
For respondent/State	: Shri Sanjeev Pandey, Govt. Advocate

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****25.6.2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, for grant of bail to the applicant who has been arrested on 10.4.2018 in connection with Crime No.99/2018, registered at Police Station Jarhagaon, District-Mungeli (CG) for the offence punishable under Sections 376, 498-A of the Indian Penal Code and under Sections 3 & 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution is that the prosecutrix and the applicant were in love relation since 2016 and the applicant had physical relation with her since then, they got married in the year 2017. Thereafter on 10.4.2018, the prosecutrix lodged report against the applicant and above mentioned offence has been registered against the applicant.

3. Learned counsel for the applicant submits that date of birth of the prosecutrix is 13.5.1999 and she was major on 12.5.2017. Report was lodged on 10.4.2018 when the prosecuteix was major. There is every possibility of manipulation with the date of offence. He further submits that the prosecutrix and the applicant got married in the temple and their status is as of husband and wife, therefore, no offence is made out.

4. On the other hand, learned counsel for the State opposes the bail application.

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

6. Looking to the fact that on the date of report the prosecutrix was major and also considering the fact that her marriage with the applicant was solemnized prior to the date of report, it is a fit case to enlarge bail to the applicant.

7. Accordingly, application filed under Section 439 of the CrPC is 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 local surety in the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial Court regularly on each and every date, unless exempted from appearance.

Sd/-

(Ram Prasanna Sharma)

JUDGE