

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4611 of 2018**

Harsh Giri S/o Pratap Giri Aged About 22 Years R/o Jakhaura
Police Station Kakarvai, District Jhansi U. P.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer,
Police Station City Kotwali, Baloda Bazar District Baloda Bazar
Bhatapara Chhattisgarh.

---- Respondent

For the Applicant	:	Shri C.R. Sahu and Ms. Sunita Sahu, Advocates
For the State	:	Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**05/09/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with the Crime No. 160/2018 registered at Police Station city Kotwali, Balodabazar, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 4 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 14/03/2018 prosecutrix was more than 16 years old. She is resident of village Sonpuri Bhatha, District Balodabazar-Bhatapara. Applicant had taken away the prosecutrix and committed so many time sexual intercourse with her.
4. As per the prosecution story the prosecutrix and applicant had liking with each other and they went to marry. On 14/03/2018 prosecutrix left her parental house and reached in the house of the applicant. They started to live as husband and wife. They performed marriage in a temple at

Orchha. On 20/05/2018 they performed the marriage in Arya Samaj Temple, Allahabad. As per the statement of the prosecutrix recorded under Section 164 of CrPC there was a love affairs between the prosecutrix and the applicant. She had left her parental house.

5. Learned counsel for the applicant submits that applicant is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. Looking to the above mentioned facts and circumstances of the case and as per the statement of the Govt. Advocate there is no antecedents of the applicant, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.
8. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed. It is directed that if the applicant furnishes one solvent surety for a sum of Rs. 30,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that he shall appear before the trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge