

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.4836 of 2018**

Mannulal, S/o Bhuneshwar Satnami, aged about 21 years, R/o Village Janglor, Police Station Palari, District Balodabazar, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through the Police Station Neora, District Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri S.C. Verma, Advocate
For Respondent	:	Shri Bhaskar Payashi, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****21.8.2018**

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.43 of 2018 registered at Police Station Neora, District Raipur for offence punishable under Sections 363, 366, 376, 34 of the Indian Penal Code and Sections 4, 6, 17 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the prosecutrix, who was aged about 16½ years, was working with her parents in a bricks furnace (ईंट भट्ठा). The Applicant/accused was also working there. It is alleged that on 15.6.2017, he, alluring the prosecutrix that he will marry her, took her to his village. He kept her there and also kept on committing sexual intercourse with her there. 2 months thereafter, she got pregnant, but he refused to marry her. She

returned home and lodged First Information Report on 25.1.2018. He has been arrested on 15.5.2018.

3. Learned Counsel appearing for the Applicant submits that there was a love relation between the prosecutrix and the Applicant. She herself, at her own will, had gone along with the Applicant. According to her Aadhaar Card, her date of birth is 1.1.1998. Therefore, at the time of alleged incident, she was aged more than 18 years. He further submits that a child has also taken birth out of the relationship of the Applicant and the prosecutrix and both have performed marriage too. They have settled their dispute out of the Court and have also submitted a compromise petition before this Court. He further submits that charge-sheet has been filed and the Applicant is in custody since 15.5.2018. Therefore, he may be granted benefit of bail.
4. Learned Counsel appearing for the State opposes the prayer for bail.
5. I have heard Learned Counsel appearing for the parties and perused the entire case diary with due care.
6. Considering the facts and circumstances of the case, further considering the facts that charge-sheet has been filed, the Applicant and the prosecutrix have settled their dispute out of the Court, they have performed marriage and have also filed a compromise petition before this Court, 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.20,000/- with one surety of 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