

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8081 of 2018

S.K. Ajaharuddin, S/o. Seikh Sahabuddin, Aged About 19 Years, R/o. Village & Post- Khirai, Police Station- Pingla, District- Medinipur, West-Bangal, Present Address- Ward No.12, Gunderdehi, Police Station- Gunderdehi, District- Balod, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- Gunderdehi, District- Balod, Chhattisgarh.

---- Respondent

For Applicant : Smt. Ranjana Jaiswal, Advocate

For Respondent : Shri Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

31.10.2018

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.188/2018 registered at Police Station- Gunderdehi, District Balod (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 3, 4 & 5 (a) of Protection of Children from Sexual Offences Act.
2. As per the prosecution case, a report was made by the father Mohd. Asraf Ali that her daughter is missing. Subsequently, her daughter was found at West Bengal from the custody of the applicant and on enquiry it revealed that she was taken away from the lawful custody of the parents and thereafter she was subjected to forceful sexual intercourse.

3. Learned counsel for the applicant submits that the girl was in love relation with the applicant and she has performed marriage with the applicant, therefore, no offence has been committed and according to the Doctor she was major; therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the girl recorded under Section 164 of Cr.P.C. wherein she stated that she has performed marriage with the applicant. Considering the same, without any observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge