

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8129 of 2018

Sher Singh Sao, S/o. Bharat Lal Sao, Aged About 28 Years, R/o. Village Gabod, P.S. Sankara, District Mahasamund, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Basna, District Mahasamund, Chhattisgarh

---- Respondent

For Applicant : Mr. Raghavendra Pradhan, Advocate

For Respondent : Shri Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01.11.2018

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.490/2017 registered at Police Station- Basna, District Mahasamund (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 4 & 6 of Protection of Children from Sexual Offences Act.
2. As per the prosecution case, a report was made by the father Narayan Prasad Sao that her daughter minor girl was missing. Subsequently, when the girl was found it revealed that the present applicant enticed away the minor girl from the lawful custody of the parents and thereafter committed sexual intercourse on the pretext of marriage.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated and the girl herself has went along-with the

applicant and they performed marriage as they were in love relation; 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 161 & 164 of Cr.P.C. wherein she stated that she has performed marriage with the applicant. Considering the same and the fact that charge sheet has been filed and the applicant is in jail since 01.06.2018, 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