

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 324 of 2019**

Wanmali Tandi, S/o late Kumo Tandi, aged about 23 years, R/o Khapa Dora, Police Station Mudi Bahal District Balangir (Odisha) Current Resident Kanpa Rani in house of Tenant Punjabee, Police Station Pandari Mova, District Raipur.

---- Applicant**Versus**

State of Chhattisgarh, through Officer-in-charge, Police Station Civil Line Raipur, Tahsil and District Raipur (CG).

---- Non-applicant

For Applicant	: Mr. Badruddin Khan, Advocate.
For Non-applicant	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

06.02.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with crime No.34/2016 registered at Police Station Civil Line, Raipur for the offence punishable under Sections 363, 366(A) & 376 of IPC and Sections 4&6 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 13.01.2016, the prosecutrix was more than 16 years of age. She is a resident of village Pandari, District Raipur. She and applicant were liked to each other. On 13.01.2016, he took her by enticing on the pretext of marriage. He committed sexual intercourse with her. On 26.02.2016, they performed the court marriage and she gave a birth of girl.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
5. On the other hand, counsel for the State opposes the bail application, however, he submits that no criminal antecedent is reported against the applicant in police case diary.
6. As per photocopy of statement of the prosecutrix recorded under Section 164 of CrPC, she has left her parental house and went with the applicant on her own will and wish.
7. Looking to the above facts and circumstances of the case, the bail application is allowed. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial 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 co-operate during the trial, he shall be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-