

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3795 of 2019

- Meenal Sunhare S/o Santram Sunhare Aged About 19 Years R/o Village Hirri, Police Station Pamgarh, District Janjgir Champa Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Gidhouri District Balodabazar Bhatapara Chhattisgarh

---- Non-applicant

For Applicant : Mr. A.S. Rajput, Advocate.

For Non-applicant/State : Mr. Neeraj Pradhan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-08-2019

Heard.

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 26.03.2019 in connection with Crime No. 68/2019, registered at Police Station—Gidhouri, District- Balodabazar, Bhatapara, Chhattisgarh for offence punishable under Sections 363, 366(क), 376 of I.P.C. and Sections 4 and 6 of POCSO Act, 2012.
2. It is submitted by learned counsel for the applicant that applicant is in jail since 26.03.2019. No case is made out against this applicant. The applicant has married the prosecutrix and he wants to lead a married life with the prosecutrix. The parents of the applicant have also filed an affidavit in support of the statement stating that they accept the marriage of the applicant with the prosecutrix and they want to provide all the marital rights to the prosecutrix. On this basis, it is prayed that applicant

be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix in this case is a minor of age only 16 years and 2 two months, therefore, any consent or any marriage of the prosecutrix is not legal. Therefore, the application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, the applicant expressed his love for the minor prosecutrix and thereafter allured her with promise to marry her. He abducted the prosecutrix and took her to different places. During this period, this applicant has exploited the prosecutrix sexually. Hence, this case.
6. After considering on the evidence present on the case diary and also considering on the statement given by the parents of the applicant that they have recognized the marriage of the applicant with the prosecutrix and wish to bless this marriage. Therefore, only for this reason, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for her appearance as and when directed.
8. In case the prosecutrix has any complaint in future, she shall be at liberty to file application for cancellation of the bail.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge