

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings through Video Conferencing****Misc. Criminal Case No.884 of 2021**

- Girwar @ Raja Sen S/o. Dilip Sen Aged About 21 Years R/o. Village Bhaluchuwa, District Mahasamund (Chhattisgarh),

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Bagh Bahra (Wrongly Mentioned As Khallari) (Police Station Not Mentioned In Cause Title Of Impugned Order), District Mahasamund (Chhattisgarh)

---- Respondent

For Applicant : Shri Shubhank Tiwari, Advocate
 For respondent/State : Shri Dinesh Tiwari, Dy. Govt. Advocate

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****20.7.2021.**

1. This bail application has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 25.12.2020 in connection with Crime No.17/2018 registered at Police Station Baghbahra, Distt. Mahasamund (CG) for the offence punishable under Sections 363, 366 and 376(2)(b) of the Indian Penal Code.

2. Case of the prosecution, in brief, is that, the applicant abducted prosecutrix/victim on 26.12.2017 on the pretext of marriage took her to Raipur and committed sexual intercourse with her. Out of their physical relation, the prosecutrix/victim delivered a girl child. The prosecutrix/victim was recovered from the possession of the applicant on 24.12.2020. On the basis of

the report lodged by the father of the prosecutrix/victim, offence was registered against the applicant and after recovery of the prosecutrix/victim, the applicant was arrested. After due investigation, charge sheet has been filed against the applicant.

3. Learned counsel for the applicant submits that the prosecutrix/victim was not minor at the time of the incident. The applicant has solemnized marriage with the prosecutrix/victim and out of their wedlock, a girl child was born. The applicant is in custody since 25.12.2020 and charge sheet has been filed. He further submits that statement of the prosecutrix has been recorded before the trial Court in which she has not supported the case of the prosecution. He further submits that the trial may take some more time for conclusion, there is no possibility of his absconding, therefore, present applicant may be enlarged on bail.

4. On the other hand, while opposing the bail application, learned counsel for the State submits that the prosecutrix/victim was minor at the time of the incident, therefore, the applicant should not be enlarged on bail.

5. Shri Kunal Dewangan, AG-III/Incharge of Help Desk E-Seva Kendra, who connected the prosecutrix/victim and her father namely Rajendra Yadav through video conferencing from Help Desk E-Seva Kendra, High Court Premises would submit that the prosecutrix and her father have brought their Aadhar cards. He is directed to get photo copy of the Aadhar Cards and

to provide the same to the Registry of this Court so that the same will be attached with this file.

6. On being asked, the prosecutrix/victim and her father submit that they have no objection if the applicant is granted bail. The prosecutrix/victim further submits that she had already married with the applicant and out of their wedlock, they have one girl child.

7. I have considered the submission made by learned counsel for both parties as well as the prosecutrix/victim and her father.

8. Looking to the facts and circumstances of the case, nature and gravity of offence, period of detention and also considering the fact that marriage between the applicant and the prosecutrix/victim had already been taken place and they have a child out of their wedlock, charge sheet has already been filed and without commenting on the merit of the case, I am inclined to release the applicant on bail.

9. Accordingly, the bail application filed under Section 439 of the CrPC is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one local surety in the like amount to the satisfaction of the concerned trial Court subject to further conditions that:

(i) that he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the

facts of the case so as to dissuade him/her from disclosing such facts to the Court.

(ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial: and

(iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
JUDGE