

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5869 of 2021**

- Sunil Kumar Thakur S/o Kunju Prasad @ Kunj Bihari Thakur Aged About 24 Years R/o Gumgra Khurd (Bartikra), P. S. Lakhanpur District Surguja Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Arakshi Kendra, Mahila Thana, Ambikapur District Sarguja Chhattisgarh

---- Respondent

For Applicant : Shri Gyan Prakash Shukla, Advocate

For Respondents/State : Ms. M. Asha, PL

Hon'ble Shri Justice Goutam Bhaduri**Order****10/12/2021**

1. Heard.
2. 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 on 15.03.2021 in connection with Crime No.19/2021 registered at Police Station Mahila Thana, Ambikapur, District Sarguja (CG) for the offence punishable under Sections 376 (2) (N), 363, 366, 342, 294, 323, 506, 34 of IPC and Sections 5 & 6 of POCSO Act.
3. As per the prosecution case, a report was lodged by the father of the prosecutrix that the present applicant enticed away the minor girl from the lawful custody of the parents and kept in the confinement at his house and thereafter

committed forceful sexual intercourse. Thereby the offence has been committed.

4. Learned counsel for the applicant submits that it is a case of love affair and marriage which would be evident from the different documents which are placed on record which would show that after investigation it was found that there has been some dispute after the marriage and the primary investigation would reveal that because of certain dispute false report has been made. He would further refer to the affidavit of the applicant which bears the signature of Ambika Prasad Thakur, who is grandfather of the prosecutrix and the affidavit would show that there is a dispute about the husband and wife over a matrimonial issue, therefore, no offence is made out against the applicant and he may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. The record would show that the victim appeared before this Court on 09.09.2021 through the help desk of DLSA Ambikapur and has objected the grant of bail to the applicant.
7. Perused the document. The document prima facie would show that a report was made by the prosecutrix that because of certain dispute of husband and wife the report was made. The primary investigation SHO, Mahila Thana, Ambikapur on 07.10.2020 reported to the concerned Superintendent of Police that marriage has taken place in between the prosecutrix and the applicant and there is some matrimonial dispute exists. The affidavit of the applicant also says so and bears the signature of Ambika Prasad Thakur, who is grandfather of the prosecutrix. Taking into such fact the primary investigation which shows

that there is a dispute of matrimonial nature after the marriage and the prosecutrix appears to be voluntarily in company of the applicant, I am inclined to release the applicant on bail.

8. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri
Judge

Ashu