

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.7761 of 2020

- Gurunam Singh @ Lakki Sardar S/o Sukhvant Singh Aged About 25 Years R/o Old Primary School, Madal Town Bhilai, Police Station Supela, District Durg, Chhattisgarh, Present Resident - Jalandhar City Basti Area, Near Of Baba Balaknath Temple, Police Station -01 Number Choki, District Jalandhar Punjab

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Supela, District Durg, Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Jitendra Gupta and Mr. Love Kumar Ramteke, Advocate.
For Non-applicant/State	: Mr. B.P. Banjare, Dy. G.A.
For complainant	: Ms. Swati Verma, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

29-01-2021

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 10.02.2020 in connection with Crime No.117/2018, registered at Police Station-- Supela District- Durg, C.G. for offence punishable under Sections 363, 366, 376, 109 r/w Section 34 of I.P.C. and Section 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in the case. The minority of the prosecutrix is disputed. The marriage of the applicant and the prosecutrix was performed on 28.02.2017, however, she was not sent to her matrimonial home. The other allegations of abduction and rape of the prosecutrix are false. The applicant is in jail since 10.02.2020 and also the prosecutrix has no objection in grant of bail to the applicant, therefore, it is prayed

that this applicant may be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that on the date, the marriage of the prosecutrix was performed with the applicant, the age of prosecutrix was only 14 years. Therefore, the offences registered against the applicant are clearly made out. Therefore, it is prayed that this application may be rejected.
4. The prosecutrix is present in person before this Court represented by learned counsel Ms. Swati Verma. The prosecutrix has no objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, the prosecutrix went missing on 06.02.2018. The prosecutrix was then recovered subsequently and on the basis of her statement, the offences of abduction and rape have been registered against the applicant. Hence, this case.
7. Considered on the submissions, it is revealed from the material in the case that the marriage of the prosecutrix was performed with the applicant on 28.02.2017. After considering on the other facts and circumstances present in the case and the statement of no objection made from the prosecutrix side, I feel inclined to allow this application.
8. Consequently, this application filed by the applicants 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 his furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge