

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8661 of 2020**

Raju Khare, S/o Parmeshwar Khare, aged about 22 years, R/o. - Marukapa,
Police Station - Lalpur, District - Mungeli Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Officer - In - Charge of Police Station -
Jarhagaon, District - Mungeli, Chhattisgarh.

---- Respondent

For Applicant : Mr. Pallav Mishra, Advocate

For Respondent/State : Mrs. Binu Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**22/01/2021**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.175/2020, registered at Police Station –Jarhagaon, Mungeli, District – Mungeli (C.G.) for the offence punishable under Section 376, 34 of the Indian Penal Code and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. The statement given by the

prosecutrix under Section 164 of Cr.P.C. reveals that she was willing and consenting party. The family of the applicant and the prosecutrix both have negotiated for marrying both of them. Hence, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix has given statement under Section 161 of Cr.P.C. about her marriage with the applicant and her sexual exploitation as she was minor of age below 18 years, therefore, the offences registered against the applicant are made out. Hence, this applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Case of the prosecution in brief is this that the applicant and the prosecutrix both were acquainted to each other and they also had physical relation. The co-accused persons, who are the parents of the prosecutrix and the applicant then performed marriage of the applicant and the prosecutrix knowingly that the prosecutrix was minor and not of age for performance of marriage. The complainant Ishwar Kurre filed a complaint alleging performance of child marriage then the case has been registered.
6. Considering on the submissions and the facts of the case and also on the other circumstances present in this case. Considering the same, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram