

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5796 of 2015

Nishar Husain, son of Jahid Husain, aged about 23 years,
Occupation, Self Dynamo Mechanic, resident of Musalman Mohalla,
Ward No.8, Podi, Police Chowki, Podi, Police Station Bodla, District
Kabirdham (C.G).
--- **Applicant**

Versus

State of Chhattisgarh through the Police Station Bodla, District
Kabirdham (C.G)
--- **Non-applicant**

For the applicant	:	Mr. Yogesh Pandey, Advocate.
For the Respondent	:	Mr. Anupam Dubey, Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02.11.2015

1. This is an applications filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 124 of 2015 registered at P.S. Bodla, District Kabirdham (C.G) for the offence punishable under Section 376 IPC.
2. As per the prosecution story, a report was lodged by the complainant alleging that the applicant is her neighbour and on promise to marry her, he committed sexual intercourse with her on 25.08.2015. It is further alleged that thereafter when he refused to marry her, she lodged complaint on 25.09.2015, on which, offence was registered against the applicant.
3. Learned counsel for the applicant submits that because of misunderstanding such report has been made and in the statement made u/s 164 Cr.P.C., the prosecutrix has stated that no forcible sexual exploitation has been committed by the applicant.. He categorically submits and makes statement on instructions that the applicant is ready and willing to marry the prosecutrix and if the

applicant is kept behind the bars then he is unable to marry the prosecutrix and consequently, it will further lead to complications. He, therefore, prays for releasing the applicant on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Having regard to the statement of the prosecutrix under Section 164 Cr.P.C., wherein no allegation of rape has been made against the applicant and further taking into the statement of counsel for the applicant that the applicant is going to marry the prosecutrix, I am of the opinion that no purpose will be served if the applicant is in jail. Therefore, I am inclined to release the applicant on regular bail, at this stage.
6. Accordingly the application is allowed and the applicant is directed to be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He shall appear before the said Court on each and every date to be give by the said Court.
7. Cc as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**