

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6492 of 2015

Mahesh Matti, S/o. Bachchaiya, aged about 26 years, resident of Village Komatpalli, Post Pamgarh, Police Station Madader Revenue District Bijapur, Civil District South Bastar, Dantewada (Chhattisgarh).

---- Applicant

Versus

State of Chhattisgarh Through the Police Station Madader, District Bijapur (Chhattisgarh).

---- Respondent

For Applicant	:-	Mr. P.K. Tulsyan, Advocate
For Respondent/ State	:-	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/12/2015

1. 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 in connection with Crime No. 09/2015 registered at Police Station- Madader, District – Bijapur (C.G.) for the offence punishable under Sections 376 and 450 of IPC (as per challan) as per order impugned u/s 376 of IPC.
2. As per the prosecution case, in brief, is that on 27.07.2015 the prosecutrix has lodged the FIR against the present applicant. It is alleged that on the pretext of marriage the applicant committed sexual intercourse with the prosecutrix from the year 2011. Thereafter, the the applicant refused to marry with the prosecutrix, she lodged a report against this applicant and on the basis of the above report, the offence punishable under sections 376 and 450 of IPC has been lodged.

3. Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. He further submits that the prosecutrix was 24 years old lady and the conduct of the prosecutrix would show that she was the consenting party and therefore, he may be enlarged on bail.
4. Per contra State counsel opposes the prayer for grant of bail and submits that from the statements of the prosecutrix wherein she stated that from the year 2011 to 2015 she was subjected to sexual intercourse on the pretext of marriage; therefore, the applicant should not be released on bail.
5. Having gone through the statement of the prosecutrix, wherein she stated that from 2011 to 2015 she was subjected to sexual intercourse. Further taking the fact that the complainant has made report of sexual intercourse in 2015. Considering the fact for the purpose of bail without any observation on merit, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge