

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6301 of 2015

Ramkrishna, S/o. Suryasharan Vaishnav, Aged About 23 Years, R/o. Village Khisora, P.S. Baloda, Distt. Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, P.S. AJAK Janjgir, Distt. Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Gurudev I. Sharan, Advocate

For Respondent : Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24/11/2015

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.30/2014 registered at Police Station- AJAK Janjgir, District Janjgir-Champa (C.G.) for the offence punishable under Sections 363, 366, 376 of Indian Penal Code and Section 3(1-11) Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act and Section 6 & 12 of Protection of Children from Sexual Offences Act.
2. As per the prosecution case, in brief, on 02.06.2014 the applicant allured the prosecutrix and thereafter took her to different places and during such period the applicant committed sexual intercourse with the prosecutrix and thereby one baby was born.
3. Learned counsel for the applicant submits that the applicant has performed marriage with the prosecutrix and after marriage a child was born and therefore no case is made against the applicant; therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. According to the case diary, the prosecutrix was married with the applicant and gave a birth of a baby, therefore, considering the fact that the applicant has performed marriage with the prosecutrix, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge