

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4912 of 2015**

- Sudesh Porte, S/o Shri Ramprasad Porte, aged about 22 years, R/o Village Mopki, P.S. Bhatapara (Gramin), District Baluda Bazar (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through: its Police Station Incharge Lailunga, District Raigarh (C.G.)

---- Non-applicant

For Applicant: Mr. Suresh Kumar Pandey, Advocate.
For Respondent/State: Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****16/09/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 02/2014 registered at Police Station Lailunga, District Raigarh for the offences punishable under Sections 363, 366 & 376 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that on 20.11.2013 applicant abducted the prosecutrix and committed forcible sexual intercourse with her against her will and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that the prosecutrix is a major girl and she is consenting party to act of the applicant; and

the applicant has already married with the prosecutrix 25.05.2015 and they lived together as husband and wife and the prosecutrix is carrying pregnancy of six months. He further submits that the prosecutrix, in her statement recorded under Section 164 Cr.P.C, has stated that she has voluntarily gone with the applicant; applicant is languishing in jail since 25.05.2015 and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, learned counsel for the State opposes the application.

(5) Taking into consideration the facts & circumstances of the case; considering the age of the prosecutrix i.e. 19 years; further considering the statement of the prosecutrix recorded under Section 164 Cr.P.C., in which, she has stated that she has gone with the applicant voluntarily; further considering his pre trial detention and the fact that charge sheet has already been filed and no custodial interrogation is required; this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

