

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2384 of 2016

- Kumar Singh Pradhan S/o Late Jagtiram Pradhan Aged About 20 Years (Wrongly Mentioned As Jamni Pradhan In The Rejection Order), R/o Village = Dhurvapathra, Post Office & Police Station - Amlipadar, District - Gariyaband Chhattisgarh

---- Petitioner

Versus

- State of Chhattisgarh through The Station House Officer, Police Station - Amlipadar, District Gariyaband Chhattisgarh

---- Respondent

For the applicant	:	Mr. Shivendu Pandya, Advocate
For the Respondent	:	Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.06.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 45/2015 registered at P.S. Amlipadar, District Gariyaband (C.G) for the offence punishable under Section 376(2) & 366/34 IPC.
2. As per the prosecution case, on 29.07.2015 while the prosecutrix was coming back to her house after answering the call of nature, at that time, the applicant caught hold of her and thereafter on the pretext that he will marry her and by force took her to Orissa and stayed in the house of relatives and thereafter committed forcible sexual intercourse. The prosecutrix was rescued by her brother on 11.08.2015 and thereafter the report was lodged.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated as the prosecutrix and

applicant visited many places which would show that the applicant and the prosecutrix were in love affairs with each other and she was major lady aged about 18 years & 9 months and was able to take decisions for her welfare, therefore, the present applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the statement of prosecutrix wherein she stated that she was forcibly taken away by the applicant and others and they visited different places by travelling to Raipur and Orissa.
6. Considering the totality of the facts and circumstances and taking into statement of the prosecutrix as also the fact that the prosecutrix was a major lady, without any observation on merits of the case I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE