

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2359 of 2016

- Parmanand Nishad S/O Bairagi Nishad Aged About 24 Years
Occupation - Laborer, R/O. - Village - Rengalpali, P/S. And Tahsil -
Pussour, Civil & Revenue District - Raigarh Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : S. H. O. Of The Police Station -
Pussour, District - Raigarh Chhattisgarh

---- Respondent

For Applicant : Mr. Abhishek Saraf, Advocate

For Respondent/State : Mr. Luv Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11.07.2016

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 on 12-03-2016 in connection with Crime No. 59 of 2016, registered at Police Station Pussour, District Raigarh (CG) for the offence punishable under Section 376 of the IPC read with Sections 3 (i) (x) and 3 (2) (5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. As per prosecution case, the applicant on the allurement of the marriage took away the prosecutrix and committed forcible sexual intercourse with her and subsequently when the applicant refused to marry her a report was lodged and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that as per agreement, the family members of the applicant and prosecutrix have agreed to the marriage and the prosecutrix was in love relation with the applicant, therefore, no offence is made out.

4. The State counsel was directed to verify as to whether any agreement has been entered into between the applicant and the prosecutrix with respect to the marriage. On verification, State counsel submits that according to the statements of the prosecutrix, her parents and father of the applicant they have agreed that they are going to perform marriage of the applicant with the prosecutrix.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statements of the prosecutrix, her parents and father of the applicant.
7. Taking into consideration the statements of the prosecutrix, her parents and father of the applicant, facts and back ground of the case and further considering the fact that the charge-sheet has been filed in the case and the applicant is in jail since 12-03-2016, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju