

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3862 of 2016

- Kapil Dev S/O Ram Sundar Nage Aged About 30 Years R/O Sitarampur, Pat, P.S. Pastta, District Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Pastta, District Balrampur Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant : Mr. A.K. Yadav, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20.07.2016

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 18-08-2015 in connection with Crime No. 13 of 2015, registered at Police Station Pastta, District Balrampur-Ramanujganj (CG) for the offence punishable under Sections 376 (2) and 506 of the IPC.
2. As per prosecution case, on 17-5-2016 a report was made that the applicant on the pretext of marriage had committed sexual intercourse with prosecutrix for the last one year from the date of lodging of the report and subsequently he refused to marry her and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the prosecutrix was a major girl aged about 21 years and the statement of the prosecutrix would show that she was a consenting party and no offence has been committed. He would further submit

that the applicant has been falsely implicated in the case, charge-sheet has been filed in this case, he is in jail since 18-8-2015 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
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 recorded under Sections 161 and 164 of the Cr.P.C.
7. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and considering the statements of the prosecutrix and without any observation on the merits of the case, 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