

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3804 of 2016

Gajanand Singh @ Golu Singh, S/o. Late Shri Bhairo Singh, Aged About 28 Years, Occupation- Male Health Worker, R/o. Village Beerbhatha, Thana Malkharoda, Civil & Revenue District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Out Post Jobi, Police Station Kharsiya, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate.

For Respondent : Mr. Neeraj Kumar Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19.07.2016

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 in connection with Crime No.148/2016 registered at Police Station- Kharsiya, Police Out Post- Jobi, District Raigarh (C.G.) for the offence punishable under Section 376, 493 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made on 06.04.2016 that on 28.04.2013 the prosecutrix was called by the applicant and thereafter she stayed alongwith the applicant up till November, 2015 and during such period on the pretext of marriage, the applicant has committed sexual intercourse with the prosecutrix, however, subsequently the applicant refused to marry her.

3. Learned counsel for the applicant would submit that the prosecutrix was a major lady and the report was made in 2016 and there is an enormous delay, therefore, considering the facts and the statement no case is made out and, as such, he prays for release of the applicant on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the prosecutrix wherein it reveals that she stayed with the applicant from 28.04.2013 till November, 2015. Considering the statement, without any further observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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.

Sd/-
(Goutam Bhaduri)
Judge