

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3897 of 2016

- Ajay Sidar S/O Kheekh Ram Sidar Aged About 24 Years (Wrongly Mentioned Hitaram) R/O Village - Kekara Bhand, P.S. & Tahsil - Dabhara, Distt. Janjgir - Champa, Civil & Revenue Distt. Janjgir - Champa Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station - Jute Mill, Raigarh Distt. Raigarh Chhattisgarh

---- Respondent

For Applicant : Mr. Manoj Kumar Sinha, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01-08-2016

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 2-6-2016 in connection with Crime No. 262 of 2016, registered at Police Station OP Jute Mill, (PS) Kotwali) Raigarh, District Raigarh (CG) for the offence punishable under Sections 376 and 417 of the IPC.
2. As per prosecution case, a report was made by the prosecutrix that the applicant on the pretext of marriage committed sexual intercourse with her and thereafter when she became pregnant, the applicant refused to marry her and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that due to misunderstanding the marriage could not be performed and he submits on instructions of the applicant and his father that the applicant is ready and willing to marry the prosecutrix and there

was no intention of sexual exploitation to the victim from day one. Learned counsel has filed an affidavit of the father of the applicant and would submit that the parents of the applicant are ready and willing to perform the marriage of the applicant with the prosecutrix as she became pregnant. He would further submit that charge-sheet has been filed, the applicant is in jail since 2-6-2016 and no further evidence is required, therefore, the applicant may be enlarged 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 affidavit of the father of the applicant in which it has been stated that the parents of the applicant are ready and willing to perform the marriage of the applicant with the prosecutrix
7. Taking into consideration the facts and circumstances of the case and considering the affidavit of the father of the applicant and also the fact that the charge-sheet has been filed, the applicant is in jail since 2-06-2016, this court is 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

