

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4181 of 2016

Naresh Kumar Marko, S/o. Jawahar Singh Marko, Aged About 20 Years,
Caste- Gond, R/o. Village- Magurda, Sarpanch Mohalla, P.S. Marwahi,
Tahsil - Marwahi, District – Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station
Marwahi, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ashok Soni, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28.07.2016

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.57/2016 registered at Police Station- Marwahi, District Bilaspur (C.G.) for the offence punishable under Section 376 of Indian Penal Code and 3, 4 & 6 of Prevention of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that a report was made by the prosecutrix that prior to the date of report i.e. 30.03.2016, on the pretext of marriage, the applicant has committed sexual intercourse with the prosecutrix and she became pregnant and thereby the offence is committed.
3. Learned counsel for the applicant would submit as per the instructions of the applicant and the family members that the applicant has performed marriage with the prosecutrix prior to 30.03.2016 without knowledge of the family members and the

instructions is also that the child was born on 29.06.2016 belonging to the applicant. Therefore, the counsel would submit that since the applicant has already performed marriage with the prosecutrix, as such, no case of rape is made out. He further submits that the applicant is ready and willing to keep the girl with him, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement of the prosecutrix. Considering the submissions made by the applicant and the facts of this case that the child is born out of the wedlock of the applicant and the prosecutrix, 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