

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4482 of 2016

1. Lakhan Lal Salam, S/o. Shri Chaitram, aged about 31 years, Caste-Gond, R/o. Devgaon, P.S. Aamabeda, District – Kanker, Civil and Revenue District – Uttar Bastar Kanker.

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station-Aamabeda, District – Kanker (Chhattisgarh)

---- Respondent

For Applicant	: Mr. Sandeep Shrivastava, Advocate
For Respondent/State	: Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/08/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.1/2016, registered at Police Station – Aamabeda, District – Kanker (C.G.) for the offence punishable under Section 376 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made on 18.01.2016 by the prosecutrix that the applicant on the pretext of marriage developed illicit relation and she became pregnant and gave birth to a child. Thereafter the applicant refused to marry the prosecutrix and performed married with another girl. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the prosecutrix is major lady and the offence is said to have been committed from

2014 to September, 2015 and after the child became old of 7 months, the report has been made, therefore, no offence U/s. 376 of I.P.C. is made out, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the report as also the statement of the prosecutrix. Considering the statement without any further observation on merits, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge