

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2072 of 2016

Puran Nishad, S/o. Janau Nishad, Aged About 19 Years, R/o. Minimata Chowk, Rawanbhata, Post Office - Raipur, Police Station - Khamtarai, District Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Khamtarai, District - Raipur Chhattisgarh

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20.06.2016

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.114/2015, registered at Police Station Khamtarai, District Raipur (C.G.) for the offence punishable under Section 363, 366, 376 & 306 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant and the victim who was minor and cousin sister of the applicant were in love relation and thereafter they developed the physical relation and thereafter both the applicant and the deceased consumed poison whereby the girl died and the applicant survived and thereafter after investigation, the report has been made.
3. Learned counsel for the applicant would submit that the applicant is in jail since 01.04.2015 and the post-mortem report do not support the commission of rape and the applicant has not abetted the

deceased to commit suicide as the applicant himself had consumed poison at the relevant time and no further investigation is necessary, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement. The case diary contains medical report which do not support the commission of any rape. Taking into facts and circumstances of the case and considering the documents and the fact that the applicant is in jail since 01.04.2015, 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