

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3242 of 2016

1. Samiuddin, aged about 40 years, S/o. Late Shri Jamiruddin, R/o. Daupara, Mungeli (C.G.), at present R/o. Bahurta Takhatpur, Poultry Farm, Tahsil and Police Station Takhatpur, District – Bilaspur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Takhatpur, District- Bilaspur (C.G.)

---- Respondent

For Applicant	: Mr. D.C. Verma, Advocate
For Respondent/State	: Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11/07/2016

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.85/2016, registered at Police Station – Takhatpur, District – Bilaspur (C.G.) for the offence punishable under Section 376 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant on the pretext of marriage, developed physical relation with the prosecutrix and she became pregnant and delivered a boy. Subsequently, the applicant refused to marry the prosecutrix and as such the offence has been committed.
3. Learned counsel for the applicant submits that the prosecutrix was married lady of 32 years and after leaving her husband, she was living along with her father and she herself is a consenting party and

developed relationship with the applicant and after delivering a boy, she pressurize the applicant to marry and having not married, the report has been made, therefore, the offence under Section 376 of I.P.C. is not made out, therefore, the counsel prays that the applicant may be released 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 case diary and the statements. Perusal of the statement of the prosecutrix shows that she is married lady and has delivered a child due to the relation, subsequently, the report has been made. Taking into the statement of the prosecutrix, without any 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