

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3371 of 2016

1. Ramcharitra @ Chhotu, S/o. Jagsai, aged about 40 years, R/o. Patna, Police Station Patna, Tahsil – Baikunthpur, District – Korea (C.G.)

----Applicant

Versus

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

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent/State : Mr. Arvind Dubey, 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, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.90/2016, registered at Police Station – Patna, District – Korea (C.G.) for the offence punishable under Section 376, 493 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on the pretext of marriage, the applicant committed sexual intercourse with the prosecutrix, whereby she became pregnant and after pregnancy when she asked the applicant to perform marriage, it was refused.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case as the MLC report would show that the prosecutrix is not pregnant, therefore, it would show that false allegation have been leveled against the applicant. It is further

submitted that the applicant is in jail since 09.05.2016, 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 case diary and the medical report, which shows that pregnancy has been shown to be negative. Considering the statement of the prosecutrix and the medical report, 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