

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6587 of 2015

- Pramod Sahu S/o Late Jalsagar Sahu Aged About 33 Years R/o Village Basanpali, Police Station Rengali, District Jharsugda, At Present Residing at Punji Pathra, Raigarh, District Raigarh (Chhattisgarh) --- **Petitioner**

Versus

- State of Chhattisgarh Through, Station House Officer, Police Station City Kotwali, Raigarh, District Raigarh (Chhattisgarh)

--- **Respondent**

For the applicant	:	Mr.Ashish Gupta, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12.01.2016

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 778/2015 registered at P.S. City Kotwali, Raigarh (C.G) for the offence punishable under Sections 376 & 506 IPC.
2. Case of prosecution, in brief, is that on 10.10.2015 a report was made by the prosecutrix that the applicant has forcibly committed rape on her and thereby the offence is committed.
3. Learned counsel for the applicant submits that the prosecutrix was earlier married to Chandrika Prasad and subsequently was married to this applicant and thereafter when the matter came to his knowledge, the dispute arose and consequently the prosecutrix demanded money from the applicant, for which a report was made on 08.10.2015 and subsequently this false report has been made on 10.10.2015,

therefore, he has been falsely implicated in this case. He further submits that the applicant is in jail since 11.10.2015 and prays for releasing him on bail.

4. Per contra, learned State Counsel opposes the bail application. Earlier on 2.12.2015, learned State Counsel was directed to verify as to whether any report was lodged by the applicant on 08.10.2015. After verification, he submits that such report was made by the applicant.
5. A perusal of the report shows that the prosecutrix performed the marriage with the applicant.
6. Taking into documents and the fact that the prosecutrix was earlier married with Chandrika Prasad and subsequently she was married to the applicant and considering the degree of allegations against the applicant, I am inclined to release the applicant on bail.
7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.
8. C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE