

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7097 of 2015

Bhajendra Netam S/o Beniram Netam Aged About 28 Years R/o
Village Sahaspur Dalli, P.S. Ghumka, Distt. Rajnandgaon,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, P.S. Ghumka,
Distt. Rajnandgaon, Chhattisgarh.

---- Respondent

For applicant - Shri Shailendra Dubey,, Advocate.
For Respondent/State – Shri Anupam Dubey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

12/01/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 139/2015 registered in Police Station Ghumka, District Rajnandgaon (C.G.) for offence punishable under section 376, 506 of Indian Penal Code.
2. As per the prosecution case prosecutrix was alone in her house in the month of January, 2015 at about 2' O clock applicant came to her house and took her forcefully to another place and subsequently committed rape. Thereafter, prosecutrix became pregnant and the applicant refused to marry the prosecutrix.
3. Learned counsel for the applicant submits that the applicant and the prosecutrix were living together and it was case of consent and after incident nothing was disclosed to anyone and after pregnancy came to the knowledge same was reported and father of the applicant and family members have accepted the prosecutrix as their daughter-in-law, therefore the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. I have perused the case diary and statement of the prosecutrix under Section 164 of Cr.P.C. wherein positive statement has been made and it is further stated that on the pretext of marriage, she was sexually exploited and it is also stated that in statement before the police to avoid prosecution applicant assured the prosecutrix that she will be kept as wife. Taking into such statement at this stage, this court is not inclined to release the applicant on bail.

6. Accordingly, the bail application is dismissed. However, liberty is reserved in favour of the applicant to revive the bail application after examination of the prosecutrix.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE