

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2828 of 2016

- Kriparam S/o Shri Jhanak Ram Rathiya Aged About 23 Years
R/o Village Puchhiyapali, Police Outpost Jobi, Thana Kharsiya,
Civil & Revenue District Raigarh, Chhattisgarh. -- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police
Station Kharsiya, District Raigarh, Chhattisgarh.

---- Respondent

For the applicant	:	Mr. Sunil Sahu, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.06.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.212/2015 registered at P.S. Kharsiya, District Raigarh (C.G) for the offence punishable under Section 376, 313, 506 of IPC.
2. As per the prosecution case, the applicant developed illicit relations with the prosecutrix and initially a report was made on 20.06.2014. Subsequently, they started living together and ultimately the applicant left the prosecutrix, therefore, a report was made by the prosecutrix on 09.12.2014.
3. Learned counsel for the applicant would submit that the statement of prosecutrix itself would reveal that she is a married lady and developed relations with the applicant and both the applicant and the prosecutrix stayed together as husband and wife and subsequently the applicant left the house, for which a report was made and no offence u/s 376 IPC would be made out.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of prosecutrix. Taking into such statement and the age of the prosecutrix as also the fact that the applicant is a married lady and she lived alongwith the applicant for certain period of time, without any observation on merits of the case, I am inclined to release him on bail.
6. Accordingly, the bail 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.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE