

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2814 of 2016

1. Kaleshwar Chauhan, S/o. Chhatturam Chauhan, aged about 26 years, R/o. Dhitori, P.S. Urga, Korba, Revenue and Civil District-Korba (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : S.H.O. - Police Station - Urga, District – Korba (Chhattisgarh)

---- Respondent

For Applicant	:	Mr. Sandeep Dubey, Advocate
For Respondent/State	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15/06/2016

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.46/2016, registered at Police Station – Urga, District – Korba (C.G.) for the offence punishable under Section 439, 376, 323, 506 of Indian Penal Code (Section 439 has wrongly mention in order sheet, as per charge sheet instead of section 439 Section 493 of I.P.C. has been mentioned).
2. Case of the prosecution, in brief, is that the prosecutrix was a married lady and fell in love with the applicant and they started residing in other village for three years and during such period, she became pregnant, however, subsequently, the applicant refused to

marry the prosecutrix. Thereby the offence is committed.

3. Learned counsel for the applicant submits that the prosecutrix was a major lady and she was married and she resided voluntarily with the applicant for three years and they had developed the physical relation, which can not be amounted to rape, 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 statement of the prosecutrix. She is major lady resided for three years with the applicant. Considering the background and facts and circumstances of the case, I am inclined to release the applicant on 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