

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 165 of 2016

Saheb Ram S/o Lakhan Prasad Aged About 35 Years R/o Nunpani,
Police Station Saraipali, Civil & Revenue District Mahasamund,
District Mahasamund Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, Police Of
Police Station - Saraipali, District Mahasamund Chhattisgarh

---- Respondent

For applicant - Shri Anil Gulati, Advocate.
For Respondent/State – Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

25/01/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 394/2015 registered in Police Station Saraipali, District-Mahasamund (C.G.) for offence punishable under section 376 of Indian Penal Code.
2. As per the prosecution case FIR was made on 9/10/2015 that prior to 2 years applicant on the pretext of marriage has committed sexual intercourse with the prosecutrix and thereafter when the prosecutrix became pregnant and she insisted for marriage, the applicant ran away.
3. Learned counsel for the applicant submits that prosecutrix is a married lady and she was initially married to Ghurwa Das and out of that wedlock prosecutrix has three children and she was living separately from her earlier husband and she of her own started living with the applicant and applicant has been falsely implicated in this case, therefore, the applicant may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail.

5. I have perused the statement of the prosecutrix wherein it is stated that she has earlier left her earlier husband and had relation with the applicant. Considering such statement, without any observation on merit, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE