

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2576 of 2016

- Motu Baghel @ Navgan Baghel S/o Purshottam Baghel Aged About 23 Years R/o At Mavaliguda Para Main Road Bakawand Police Chowki Bakawand P.S. Nagarnar Civil & Revenue District Bastar Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh through the Police Chowki Bakawand Police Station Nagarnar, District Bastar Chhattisgarh

---- Respondent

For the applicant	:	Mr. Pravin Tulsyan, Advocate
For the Respondent	:	Mr. Vivek singhal, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21.06.2016

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. 43/2016 registered at Police Chowki Bakawnad, P.S. Nagarnar, Distt. Bastar (C.G) for the offence punishable under Section 376 IPC.
2. As per the prosecution case, a report was made on 17.03.2016 that the applicant on the pretext of marriage committed sexual intercourse with her and thereafter when she became pregnant the applicant refused to marry her.
3. Learned counsel for the applicant submits that the prosecutrix was major lady aged about 24 years and for the last 10 months, she was in relations with the applicant and it is not a case of forcible sexual intercourse. He further submits that the charge sheet has been filed and no further investigation is necessary, therefore, he may be enlarged on

bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statements of prosecutrix under sections 161 and 164 Cr.P.C.
6. Considering the nature of allegations levelled against the applicant and the background of case and further considering the statements of prosecutrix u/ss 161 & 164 Cr.P.C., as also the fact that the prosecutrix was major lady aged about 24 years; charge sheet has been filed and no further investigation is necessary, without any observation on merits of the case, I am inclined to release the applicant on bail.
7. 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