

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2861 of 2016

Santosh Mahada S/o Jai Krishna Mhada Aged About 20 Years
Occupation Labor, R/o Village Pusour, P.S. Pusour, District Raigarh,
Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Police Station Pusour, District Raigarh,
Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. Vineet Pandey, Advocate
For Respondent/ State	:-	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

21/06/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 04/2016 registered at Police Station- Pusour, District Raigarh (C.G.) for the offence punishable under Sections 376 of IPC.
2. Case of the prosecution, in brief, is that the applicant on the pretext of marriage committed sexual intercourse with the prosecutrix, thereby the offence has been committed.
3. Counsel for the applicant submits that the prosecutrix and the applicant were in love affair and they performed the marriage for which the prosecutrix preferred an affidavit before the Court below. Learned counsel would submit that affidavit of the prosecutrix would go to show that the prosecutrix married with the applicant, therefore, the applicant may be enlarged on bail.

4. State counsel was directed to verify about the authenticity of such affidavit. The State counsel would submit that affidavit has been verified which is also supported with the statement of the prosecutrix wherein she has stated that she performed marriage with the applicant and the family members of the applicant have accepted as wife of the applicant.
5. Perused the statement of the prosecutrix made before the Court below wherein she has stated that she performed the marriage with the applicant, taking into such statement made before the Court below, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge