

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3035 of 2016

- Mahendra Kumar S/o Amol Pratap Singh Aged About 24 Years
R/o Village - Tuman, P.S. Kathghora Tahsil - Podi-Uproda, Civil
& Revenue District - Korba Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh through Station House Officer, P.S.
Katghora, District - Korba Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Sandeep Dubey, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.07.2016

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. 48/2016 registered at P.S. Katghora, Distt. Kobra (C.G) for the offence punishable under Sections 376 IPC.
2. As per the prosecution case, a report was lodged by the prosecutrix alleging that during the period between 2012-2013 and 2015, on the pretext of marriage, the applicant continuously committed sexual intercourse with her and when the prosecutrix became pregnant, the applicant refused to marry her, therefore, the offence has been committed.
3. Learned counsel for the applicant submits that the prosecutrix was major lady and she was in relations with the applicant and as per the affidavit filed by Amol Pratap Singh, father of applicant before the Court the applicant is ready

and willing to marry the prosecutrix, therefore, the he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of the prosecutrix and the affidavit filed by Amol Pratap Singh. In the affidavit, the father has stated that his son, the applicant herein, has expressed his readiness and willingness to marry the prosecutrix
6. Considering the fact that the father of applicant has filed an affidavit stating that the applicant is ready and willing to marry the prosecutrix and in such circumstances, no purpose will be served in keeping the applicant in jail, therefore, I am inclined to enlarge 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**