

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3075 of 2016

- Kidmat Singh Rathiya S/O Rashiram Rathiya Aged About 40 Years
R/O Village - Pet, P.S. - Sitapur District - Surguja Chhattisgarh, Civil
& Revenue District - Surguja (Ambikapur) (Chhattisgarh)

---- Applicant

Versus

- The State Of Chhattisgarh S/o Through Police Station - Sitapur -
District - Surguja Chhattisgarh

---- Respondent

For Applicant : Mr. A.K. Prasad, Advocate

For Respondent : Mr. Luv Sharma, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24.06.2016

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.216 of 2015, registered at Police Station Sitapur, District Surguja (CG) for the offence punishable under Sections 342, 506-B and 376(1) of Indian Penal Code.
2. As per prosecution case, on 27-09-2015 at about 7.00 a.m, in the morning when the prosecutrix came to the house of the applicant for her tuition classes, at that time applicant forcibly committed intercourse with prosecutrix and thereby he committed the aforesaid offence.
3. Learned counsel appearing for the applicant would submit that the prosecutrix has been examined in this case and it would be evident that both the applicant and prosecutrix got married with each other and this fact has been fortified in the Panchayat as they belong to Kunwar caste. It has been further submitted that after the incident

both applicant and prosecutrix were living together and since there is some dispute in between them, such a report has been made. On instructions it is stated that the applicant is still ready and willing to keep the prosecutrix with him as his wife, therefore, he may be released on bail.

4. *Per contra*, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and also the statement of the prosecution wherein it has been stated that the applicant and prosecutrix started living together as wife and husband as it was stated in the Panchayat.
6. Considering the statement of the prosecutrix, without making any observation in 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 the 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.

Sd/-
(Goutam Bhaduri)
Judge

Raju