

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3534 of 2016

Kariman Ram, S/o. Late Pandu Ram, aged about 22 years,
Occupation-Laborer, R/o. Village-Chalgali, P.S. Lundra, Tahsil Lundra,
District – Sarguja (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : Station House Officer, Police
Station – Lundra, District – Sarguja (C.G.)

---- Respondent

For Applicant	:	Ms. Hamida Siddiqui, Advocate
For Respondent	:	Mr. Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

25/07/2016

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. 17/2016, registered at Police Station- Lundra, District – Surguja (C.G.) for the offence punishable under Section 341, 366, 376, 506/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 16.02.2016, the victim/girl while was returning to her house at that time, the applicant met her and took her to certain place and thereafter committed forceful rape on her. Subsequently again brought to other place and again on 20.02.2016 on the pretext of marriage, committed rape.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case as the prosecutrix/victim is the consenting party to the entire incident as she was a major girl and she went from place to other crowded placed and no report was made. It is further submitted that the presently the marriage of the girl/victim has been performed. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 28.02.2016, therefore, counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties.
6. Perused the case diary and the statements. Considering the statement of the girl/victim, without any further observation on merits, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge