

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3533 of 2016

Rahul Kumar Choudhary S/o Mahesh Ram Choudhary, Aged About 24 Years, R/o Village Ropakhar, P.S. Kamleshwarpur, District Sarguja, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Sadar Police Station Ambikapur, District Sarguja, Chhattisgarh.

---- Respondent

For applicant - Shri C. Jayant K. Rao, Advocate.
For Respondent/State – Shri Sumit Jhanwar, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

26/07/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.292/2016 registered in Police Station Ambikapur for offence punishable under section 376 of Indian Penal Code.
2. As per the prosecution case, on 15/03/2015 the applicant on the pretext of marriage committed sexual intercourse with the prosecutrix uptill 7/03/2016 and subsequently refused to marry. Thereby, offence has been committed.
3. Learned counsel for the applicant submits that the applicant and the prosecutrix were in love relation and they were to marry each other, further due to misunderstanding and death in the family, marriage could not be performed. He further submits that affidavit of mother and father of the applicant namely Satyabama and Ramdhihal has been filed wherein they have stated that they are ready to perform marriage of the prosecutrix with the applicant. Therefore, he submits that under the facts,

the applicant may be released on bail.

4. Learned State counsel has verified the affidavit of mother and father of the applicant which are found to be true.

5. Perused the statement of the prosecutrix as also statement of mother and father of the applicant wherein they have stated that they are ready to perform marriage of the applicant with the prosecutrix. Considering the undertaking given in the affidavit by the mother and father of the applicant, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE