

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3546 of 2016

- Sonu Singh @ Nagendra Singh S/O Late Bhagwan Singh Aged About 22 Years R/O Village Murma, Police Station Patna, Tahsil Baikunthpur, District Korea, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Patna, District Korea, Chhattisgarh.

---- Respondent

For Applicant : Mr. P.K. Patel, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12.07.2016

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 on 16-05-2016 in connection with Crime No. 97 of 2016 registered at Police Station Patna, District Korea (CG) for the offence punishable under Section 376 of the IPC.
2. As per prosecution case, on 14-5-2016 a report was made by the prosecutrix aged about 24 years that the applicant committed forcible sexual intercourse with her on the pretext of marriage and after this exploitation, the applicant refused to marry her and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the prosecutrix was a consenting party and she was major, she became pregnant and a child was also born and the applicant has been falsely implicated in the case. He would further submit that

the applicant is in jail since 16-05-2016, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail application.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statement of the prosecutrix who appears to be 24 years old.
7. Taking into consideration the facts of the case and further considering the statement of the prosecutrix that she had developed physical relation with the applicant, a child was also born and the allegations have been attributed from 2015 and without any observation on the merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju