

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4044 of 2016

Khemraj Chaudhari, S/o. Shri Loknath Chaudhari, aged about 27 years,
By Caste- Aghariya, R/o. Village- Kasahibahra, Thana & Tahsil – Pithora,
Civil and Revenue District – Mahasamund (C.G.)

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station-
Pithoura, District – Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27.07.2016

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.33/2016, registered at Police Station- Pithora, District – Mahasamund (C.G.) for the offence punishable under Section 376 of Indian Penal Code and Section 3 (2) (V) of Schedule Caste and Schedule Tribe Prevention of Atrocities Act.
2. Case of the prosecution, in brief, is that on 29.02.2016 a report was made by the prosecutrix that in the month of September, 2015 when she went along with the applicant to appear in the CTT examination at that time, she stayed in the house of the applicant and on the pretext of marriage, the applicant committed sexual intercourse with the prosecutrix and has also taken nude photographs. Subsequently, the applicant did not perform marriage with the prosecutrix. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. It is further submitted that prosecutrix is aged about 27 years and she has developed relation with the applicant of her own volition and there is considerable delay in lodging the report. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 09.04.2016, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties.
6. Perused the statement of the prosecutrix recorded under Section 161 and 164 of Cr.P.C. The prosecutrix appears to be a teacher was working along with the applicant. Considering the statement under Section 161 and 164 of Cr.P.C., 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 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