

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4230 of 2016

Balram S/o Heera Lal Patre Aged About 28 Years, R/o Dharampura,
P.S. Piparia, Kabirdham, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Kawardha,
District Kawardha, Chhattisgarh.

---- Respondent

For applicant - Shri Ajay Ayachi, Advocate.
For Respondent/State – Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

22/08/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.89/2016 registered in Police Station Kawardha, Dist. Kabirdham (C.G.) for offence punishable under sections 363, 366, 376 of Indian Penal Code and under Section 3 & 4 of Protection of Children from Sexual Offences Act.
2. As per the prosecution case, a report was made on 17/03/2016 that the applicant allured the prosecutrix on the pretext of marriage has sexually exploited and committed rape. Subsequently, did not perform marriage. Thereby, the offence is committed.
3. Learned counsel for the applicant submits that there has been dispute in between the prosecutrix and the applicant for which a report was made by the prosecutrix initially on 12/03/2016 before Police Station Piparia wherein the applicant was shown to be her husband and the age was shown as 19 years. He submits that the prosecutrix in the past also made similar nature of report against other persons and false allegations have been attributed against the applicant and the prosecutrix is a major

and therefore taking into facts together, the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. In respect of the report made by the prosecutrix on 12/03/2016 it is submitted by the State counsel that such report was made by the prosecutrix. Perusal of the report would show that the applicant appears to be her husband and some dispute arose in between husband and wife. Taking into such report in the earlier and also considering the facts and circumstances of the case, 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.

Sd/-

(Goutam Bhaduri)

JUDGE