

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4637 of 2016

Ramchandra Rathore, S/o. Bisahu Rathore, Aged About 24 Years, R/o. Village Bacharwar, Tahsil & Police Station Pendra, Civil & Revenue District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Pendra, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate

For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17.08.2016

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.137/2016 registered at Police Station- Pendra, District Bilaspur (C.G.) for the offence punishable under Section 376 of Indian Penal Code.
2. As per the prosecution case, a report was made by the prosecutrix on 06.05.2016 that the applicant on the pretext of marriage has committed sexual intercourse with her and thereafter took her to Dongargarh and committed forceful sexual intercourse, however, subsequently he refused to marry her.
3. Learned counsel for the applicant would submit that earlier a missing report was made on 21.02.2016 wherein after the recovery of the prosecutrix, her statement was recorded before the SDM wherein she was stated that the applicant has performed marriage with the prosecutrix and she wanted to stay with the applicant. He

relied on Annexure A-2 which is the statement made before the SDM Pendra Road, therefore, false allegations have been attributed to the applicant. He further submits that the prosecutrix is a major lady and the applicant is in jail since 08.05.2016, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the prosecutrix made on 29.02.2016 where she had stated that the applicant has performed marriage with the prosecutrix. Considering such statement, without any observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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