

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7645 of 2015

- Kapil Dev Singh @ Kapil Muni S/o Babulal Singh Aged About 25 Years Occupation Driver, R/o Village Maja, P.S. & Tahsil Lakhanpur, Distt. Sarguja (Ambikapur), Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh through The Station House Officer, Police Station Lakhanpur, Distt. Sarguja (Ambikapur) Chhattisgarh.

--- Respondent

For the applicant	:	Mr. Jitendra Shrivastava, Advocate
For the Respondent	:	Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15.01.2016

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 159 of 2015 registered at P.S. Lakhanpur, Sarguja (Ambikapur) (C.G) for the offence punishable under Section 366 & 376 of IPC.
2. The prosecution case in brief is that 15.05.2015 the applicant took the prosecutrix and kept her in the house of relative of the applicant and thereafter committed sexual intercourse with her for a period of four months and subsequently, assaulted the prosecutrix and left her in her maternal house. Consequently a report was lodged on 23.03.2015 and the case was registered.
3. Learned counsel for the applicant submits that initially on 15.05.2015 the prosecutrix went along-with applicant and stayed with him for four months and no report was lodged. However, since there was a dispute arose between the

parents of the applicant and the prosecutrix, she left the house and stayed in the maternal home and a report was made. He further submits that the FIR was delayed by 4 months and the prosecutrix was living along-with the applicant prior to lodging of the report and the applicant is always ready and willing to perform marriage with the applicant. He further submits that the report was lodged in the absence of applicant and the applicant is in jail since since 26.09.2015, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. Perused the statement of the prosecutrix wherein it is stated that she was living along-with the applicant prior to lodging of the report.
6. Taking into statement of the applicant that he is ready and willing to marry the prosecutrix and since he is in jail he is not able to perform marriage with her and further taking into statement of the prosecutrix, without any observation on merits of the case, I am inclined to release him on bail.
7. Accordingly, this application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.
8. C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE