

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4645 of 2016

- Bhupendra Kumar Dewangan S/o Parmanand Dewangan
Aged About 29 Years Occupation Private Service, R/o Village
Khedaama, Police Station Lailunga, District Raigarh,
Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through The Station House Officer,
Police Station Chakradharnagar, District Raigarh,
Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Goutam Khetrapal, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29.08.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.224/2016 registered at P.S. Chakradharnagar, Distt. Raigarh (C.G) for the offence punishable under Sections 376 & 417 of IPC.
2. As per the prosecution case, on 14.07.2016 a report was made by the prosecutrix that from the year 2010 the applicant used to commit sexual intercourse with her on the pretext of marriage, resultantly she became pregnant and the pregnancy was aborted, therefore, the offence is committed.
3. Learned counsel for the applicant would submit that the applicant is a married lady which would be evident from Annexure A-2 and the case u/s 125(3) Cr.P.C., was pending against the husband before the Family Court. He further submits that she was in relation with the applicant and she being major lady, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement and report of the prosecutrix. It appears that she was a married lady. Considering the statement of prosecutrix, without any further observation, I am inclined to allow this bail application.
6. Accordingly, the bail 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.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**