

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5404 of 2016

1. Narsingh, S/o. Bhuvneshwar @ Sudhansai, aged about 25 years,
R/o. Sajapali, P.S. - Kansabel, District – Jashpur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Station House Officer, Police
Station – Punjipathra, Civil and Revenue District – Raigarh (C.G.)

---- Respondent

For Applicant	: Mr. M.K. Jaiswal, Advocate
For Respondent/State	: Ms. Shobha Kashyap, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/09/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.48/2016, registered at Police Station – Punjipathra, District – Raigarh (C.G.) for the offence punishable under Section 493, 506, 376 of Indian Penal Code.
2. Case of the prosecution, in brief, is that in the year 2011, the applicant on the pretext of marriage committed sexual intercourse with the victim while she was minor. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant and the victim were in love relation and they have performed marriage and the victim was pregnant and therefore, no offence has been committed, therefore, the counsel prays that the applicant may be

enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement recorded under Section 164 of Cr.P.C. as also no objection to grant bail to the applicant, which was filed by the prosecutrix. Considering the statement recorded under Section 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 the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge