

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5491 of 2016

- Keertan Kewat S/O Virendra Kumar Kewat Aged About 27 Years R/O Village Shekhwa, Out Post Kotmi, Police Station Pendra, District Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Out Post Kotmi, Police Station Pendra, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant : Mr. Rakesh Pandey, Advocate

For Respondent/State : Mr. Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16-09-2016

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 on 28-7-2016 in connection with Crime No. 216 of 2016, registered at Police Station Ot post Kotmi, PS Pendra, District Bilaspur (CG) for the offence punishable under Sections 376 and 342 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by the prosecutrix on 26-7-2016 that before six months from the date of filing the first information report, the applicant committed sexual intercourse with her and when she became pregnant, applicant refused to marry her and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case and prosecutrix was a consenting party and she is a major girl. He would further submit that

the applicant is in jail since 28-7-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Perused the statements of the prosecutrix which would show that prosecutrix is shown to be 22 years.
7. Taking into consideration the facts and circumstances of the case and further considering the statements of the prosecutrix and without any observation on the merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju