

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5503 of 2016

- Shibbo S/o Narsingho Aged About 28 Years R/o Godripara, Chirmiri, Police Station Chirmiri, Tahsil Khadgawa, District-Korea, Chhattisgarh. Presently Residing At Village Belmutha, Police Station Belmutha, District-Ganjam (Orissa). --- **Petitioner**

Versus

- State of Chhattisgarh through Station House Officer, Police of Police Station-Chirmiri, District-Korea, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Anil Gulati, Advocate
For the Respondent	:	Mr. Neeraj Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.09.2016

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. 493 of 2008 registered at P.S. Chirimiri, Distt. Korea (C.G) for the offence punishable under Section 376 of IPC.
2. As per the prosecution case, a report was made by the prosecutrix on 07.10.2008 that on the pretext of marriage, the applicant called her and thereafter committed sexual intercourse with her but subsequently he refused to marry her and fled away, thereby the offence is committed.
3. Learned counsel for the applicant would submit that by passage of time, the applicant has performed marriage with the prosecutrix and they are living as husband and wife and out of the wedlock, a child was born on 25.7.2010, therefore, under the circumstances, the applicant may be enlarged on bail. the applicant
4. Per contra, learned State Counsel opposes the bail.

5. Perused the case diary. The incident is of the year 2008. the birth certificate of child is placed as Annexure A-2 which shows that on 25.07.2010 a child was born and also perused the application of prosecutrix supported by the affidavit wherein it is stated that she has filed "No Objection" for grant of bail to the applicant.
6. Considering such facts and circumstances of the case and further developments which took place in this case, I am inclined to allow this bail application.
7. 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**