

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5865 of 2016

Keshav Prasad Jaiswal, S/o Mangal Prasad Jaiswal, Aged About 40 Years, R/o Village Saraula, Police Station Podi, Civil & Reveue District Koriya Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Podi, Civil & Revenue District Koriya Chhattisgarh

---- Respondent

For applicant - Shri Adil Minhaj, Advocate.

For Respondent/State – Shri Neeraj Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

21/09/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.103/2016 registered in Police Station Podi, Civil & Revenue District Koriya (C.G.) for offence punishable under sections 366, 376, 313, 506/34 of Indian Penal Code and Section 5(I) and 6 of Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a report was made by the prosecutrix on 12/07/2016 that the applicant from the year 2014 on the pretext of marriage committed sexual intercourse. Thereafter, she became pregnant and she was aborted. Further the applicant refused to marry her. Thereby, offence is committed.
3. Learned counsel for the applicant submits that the prosecutrix was a married lady and she has stated in FIR that her age is 22 years. It is further submitted that she has made wrong submission that she was subjected to abortion and twice MLC was conducted but that was not supported by the medical evidence. He further submits that the prosecutrix was a married lady which would be evident from the panchnama given by the gram panchayat. Therefore, learned counsel

submits that the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the statement of the prosecutrix, MLC and medical report.

Considering the statement under Section 161 and 164 of Cr.P.C. and the MLC, without further observation on the merits, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE