

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6190 of 2016

- Sanju Kumar S/O Late Madan Lal Aged About 23 Years R/O Village Dumarpali, Tahsil Raigarh, District Raigarh Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bhupdevpur, District Raigarh Chhattisgarh.

---- Respondent

For Applicant : Mr. Ashish Gupta, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05-10-2016

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 11-8-2016 in connection with Crime No. 106 of 2016, registered at Police Station Bhupdevpur, District Raigarh (CG) for the offence punishable under Sections 376 and 506 of the IPC.
2. As per prosecution case, on 10-8-2016 a report was made by the prosecutrix that on 29-2-2016 the applicant on the allurements of the marriage took her to Raipur and he was married to her in Banjara Temple and thereafter he committed sexual intercourse with her and thereafter she was kept in the house of the applicant for two months. When she pressurized the applicant for performing court marriage, the applicant avoided it and when they went to Court some agreement was entered into between the parties.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, no case under Section 376 of the IPC is made out. The prosecutrix is aged about 19 years and

if the applicant refused to marry the prosecutrix, it cannot be stated that the rape has been committed by the applicant. He would further submit that the charge-sheet has been filed in this case, the applicant is in jail since 11-8-2016 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 and have also perused the case diary and the documents.
6. Perused the statement of the prosecutrix and also the report.
7. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and further considering report and the statement of the prosecutrix, without any observation on the merit 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