

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6537 of 2016

- Nitesh Kumar Kushwaha S/o Ram Bishal Kushwaha Aged About 22 Years R/o. Village Karnji, Police Station Patna, Tahsil Baikunthpur, District Koriya Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Patna, District Koriya Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Ashok Shukla, Advocate
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25.10.2016

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. 179 of 2015 registered at P.S. Patna, Distt. Koriya (C.G) for the offence punishable under Sections 498-A, 493 & Section 376 IPC.
2. As per the prosecution case, a report was made by Smt. Sangeeta Vishwakarma on 11.10.2015 that on the allurement of marriage, the applicant committed forcible sexual intercourse with her and consequently she became pregnant. Subsequently the victim was kept in a house by the present applicant and thereafter she was subjected to torture for various reasons, thereby the offence is committed.
3. Learned counsel for the applicant would submit the applicant had performed marriage with the prosecutrix on 17.06.2015 and out of the wedlock, a child was born to them and thereafter on a trivial issue, the incident was aggravated,

therefore, no offence has been committed by the applicant. It is further submitted that the charge sheet has been filed and the applicant is in jail since 25.09.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of victim wherein she has stated that she has performed marriage with the applicant which is also not denied by the applicant. Considering such statement and the totality of the facts situation of the case, without any further observation on merits of the case, I am inclined to allow this bail application.
6. 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**