

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6578 of 2016

- Ashok Kumar Bhagat S/o Nirau @ Nehru Lal Bhagat Aged About 25 Years R/o Village Rajpur, Thana & Tahsil Lailunga, Civil & Revenue District Raigarh, District Raigarh, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Police Station Lailunga, District Raigarh, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Sanjay Agrawal, Advocate

For Respondent/State : Mr. Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25-10-2016

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 11-7-2016 in connection with Crime No. 199 of 2016, registered at Police Station Lailunga, District Raigarh (CG) for the offence punishable under Section 376 of the IPC.
2. As per prosecution case, on 9-7-2016 a report was made by the prosecutrix that the applicant on the pretext of marriage has sexually exploited her as a result of which she became pregnant. Subsequently, he performed marriage with some other girl and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant was engaged with prosecutrix in the year 2015 and because of some other dispute the marriage of the applicant could not be performed with prosecutrix and thereafter applicant was married to some other girl, therefore, no offence has been committed

by the applicant.. He would further submit that the prosecutrix was a consenting party on earlier occasion, charge-sheet has been filed in this case, he is in jail since 11-7-2016 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 and have also perused the case diary and the documents.
6. Perused the statements of the prosecutrix recorded under Section 161 and 164 of the Cr.P.C.
7. Taking into consideration the facts and circumstances of the case and further considering the statements 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