

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6739 of 2016

- Santosh @ Gulu S/o Arjun Gond Aged About 28 Years R/o Village Khamariya, Vaishali Nagar, Police Station Kusmunda, District Korba, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Champa, District Janjgir- Champa, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Uttam Pandey, Advocate
For the Respondent	:	Mr. Sangharsh Pandey, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24.11.2016

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. 312/2015 registered at P.S. Champa, Distt. Janjgir Champa (C.G) for the offence punishable under Sections 366, 376/34 of the IPC.
2. As per the prosecution case, a report was made by one Sunder Bai on 16.10.2015 that her daughter was missing from 29.09.2015. The girl came back on 15.10.2015 and on enquiry it was revealed that she was in the house of applicant and other accused wherein the applicant committed forcible sexual intercourse on the pretext of marriage, thereby the offence is committed.
3. Learned counsel for the applicant would submit during the course of proceedings, the applicant had already married the

prosecutrix and in the meanwhile, since report was made by the mother that the girl is missing as such the offence has been registered and even during the course of proceeding it has been agreed between the parties that as soon as the applicant is released from jail, marriage will be solemnized as per the rituals. He referred to the document which is placed on record and submits that Kumari Bai, the mother of present applicant has entered into agreement with the mother of victim Sunderbai to solemnize the marriage of victim with the present applicant, therefore, the applicant has been falsely implicated. It is further submitted that the charge sheet has been filed and the applicant is in jail since 14.01.2016, therefore, he may be enlarged on bail.

4. Learned State Counsel was directed to verify the fact as to whether such agreement was entered between Sunder Bai and the other accused namely Kumari Bai the mother of present applicant and also to verify the affidavit of the victim.
5. The statements of complainant Sunder Bai and the victim have been recorded by the Police wherein it shows that the victim would marry to the applicant. Further it is stated by other accused Kumari Bai that she is ready and willing to solemnise the marriage of victim and applicant according to the rituals.
6. Considering the totality of the facts and circumstances and the submissions made by the complainant as also considering the statement of the victim, without any further observation on merits of the 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**

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