

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7250 of 2016

- Madan Ram S/o Khiru Ram Bargah, Aged About 28 Years R/o Village - Jarakela, Police Station Lundra, District Surguja Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer Police Station Lundra District Surguja Chhattisgarh ---**Respondent**

For the applicant	:	Mr. Rahul Mishra, Advocate
For the Respondent	:	Mr. Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13.12.2016

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. 69/2016 registered at Police Station Lundra Distt. Surguja (C.G) for the offence punishable under Sections 376, 376(a), 294, 506, 450 of IPC and Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,
2. As per the prosecution case, a report was made by the prosecutrix on 23.06.2016 that 3 years prior to the date of report the applicant entered into the house of prosecutrix and forcible committed rape on her and thereafter she became pregnant and when a child was born the applicant refused to accept the same, thereby the offence is committed.
3. Learned counsel for the applicant on instructions submits that the applicant has been falsely implicated in this case, however, he is ready and willing to accept the prosecutrix as

his wife, therefore, no purpose will be served in further keeping the applicant in jail. He further submits that the charge sheet has been filed; no further investigation is necessary and the applicant is in jail since 30.06.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of the prosecutrix. Taking into the statement of the prosecutrix and considering the submission made by the applicant that he is ready and willing to marry the prosecutrix, 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 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 till disposal of the trial.

C.c. as per rules.

GOUTAM BHADURI
JUDGE