

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6830 of 2016

- Mahipal Jogi S/o Dhigpal Jogi Aged About 20 Years R/o Ward No. 1, Samrupara, Pandariya, Police Station Pandariya, Civil & Revenue District Kabirdham, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Pandariya, Civil & Revenue District Kabirdham, Chhattisgarh.

---- Respondent

For Applicant : Mr. Punit Ruparel, Advocate

For Respondent/State : Mr. Anupam Dubey, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04-11-2016

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 28-7-2016 in connection with Crime No. 169 of 2016, registered at Police Station Pandariya, District Kabirdham (CG) for the offence punishable under Sections 376 & 450 of the IPC.
2. As per prosecution case, a report was made by the prosecutrix that she was in love relation with the applicant and on the pretext of marriage he committed sexual intercourse with her. When she asked the applicant to perform marriage, he avoided the same on the ground that he has not attained the age of 21 years, therefore, a report was made on 27-7-2016 and she stayed with the applicant for three months as wife.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case because of the fact that the applicant has not attained the age of 21 years and he was not married to her. On instructions he submits that the applicant is ready and willing to perform the marriage with the prosecutrix and due to misunderstanding the applicant has been falsely implicated in this case. He would further submit that the charge-sheet has been filed in this case, he is in jail since 28-07-2016 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 considered the statement made on behalf of the applicant that he is ready and willing to perform the marriage with the prosecutrix.
7. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and further considering the statement made on behalf of the applicant and also the fact that the charge-sheet has been filed and the applicant is in jail since 28-7-2016, 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.

9. The prosecutrix may be communicated this order by the trial Court about the consent and willingness of the applicant to perform marriage with the prosecutrix.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju