

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6852 of 2016

- Rahul Dev S/o Shri Vijay Singh, Aged About 28 Years R/o Naruoli, Kachhi Para, Police Station - Rudawal, District Bharatpur, Rajasthan

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Station House Officer, Police - Chouki Wadrafnagar, Police Station Basantpur District Balrampur - Ramanujganj Chhattisgarh

---- **Respondent**

For Applicant : Mr. D.N. Prajapati, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08-11-2016

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 27-8-2016 in connection with Crime No. 95 of 2016, registered at Police Station Wadrafnagar, Basantput, District Balrampur-Ramanujganj (CG) for the offence punishable under Section 376 of the IPC.
2. As per prosecution case, on 27-07-2016 a report was made by the prosecutrix that during the period between 2015 & 2016 the applicant committed sexual intercourse with her on the pretext of marriage and thereafter he refused to marry her and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, the applicant and the prosecutrix were in love relation and they want to marry to each other. The applicant went to Rajasthan for earning his livelihood and due to some misunderstanding a report was made. Now, the applicant is ready and

willing to marry her. He would further submit that the charge-sheet has been filed in this case, he is in jail since 27-8-2016 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, however, he does not dispute the fact that the statement of the prosecutrix recorded under Section 164 of the Cr.P.C., shows that the applicant and the prosecutrix want to marry to each other.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the affidavit and statement of the prosecutrix recorded under Section 164 of the Cr.P.C., wherein it has been mentioned that the applicant and prosecutrix want to marry to each other.
7. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and further considering the statement of the prosecutrix and also the fact that charge-sheet has been filed and the applicant is in jail since 27-8-2016, 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju