

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7060 of 2016

1. Jailal @ Rinku Markam, S/o. Late Baisakhuram Markam, aged about 22 years, R/o. Village- Shivanabhata, Bhandarshivni, P.S. - Pharasgaon, District – Kondagaon (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : Police Station – Pharasgaon, District – Kondagaon (C.G.)

---- Respondent

For Applicant : Mr. Vishnu Koshta, Advocate

For Respondent/State : Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/11/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.85/2016, registered at Police Station – Pharasgaon, District – Kondagaon (C.G.) for the offence punishable under Section 376 (2) of the Indian Penal Code.
2. Case of the prosecution, in brief, is that a written report was made by the prosecutrix on 05.10.2016 that the present applicant on the pretext of marriage for last two years committed sexual intercourse with her and for that reason she became pregnant and delivered a child. Thereafter, the applicant refused to marry with the prosecutrix. There by the offence has been committed.
3. Learned counsel for the applicant on instruction submits that the applicant is ready and willing to accept the girl and because of misunderstanding the false report has been lodged, therefore, the

counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the prosecutrix. Considering the facts of this case and specially taking into the submission made by the counsel that the applicant is ready and willing to accept the girl/prosecutrix without any further observation on merits, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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 trial Court is directed to communicate the prosecutrix/girl that the applicant is ready and willing to accept the girl/prosecutrix since it was one of the important consideration to enlarge the applicant on bail.
10. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge