

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7953 of 2016

- Kripa Shankar Rajwade S/o Somarsai Rajwade, Aged About 20 Years
Caste- Rajwar, R/o Village Belbahra (Rajwaripara), Police Station
Manendragarh, District Koriya, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through S.H.O. Police Station Manendragarh,
District Koriya, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Pushkar Sinha, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.12.2016

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. 67/2015 registered at P.S. Manendragarh, Distt. Koriya (C.G) for the offence punishable under Sections 363, 366, 376 of IPC and sections 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. As per the prosecution case, 10.04.2015 a report was made by the prosecutrix that on 10.03.2015 the applicant took away the prosecutrix on the pretext of marriage and kept her in the house of his friend for 24 days and committed forcible sexual intercourse. Subsequently on the pressure of family members of the applicant objection was made and therefore a report was filed by the prosecutrix.
3. Learned counsel for the applicant would submit that the applicant and prosecutrix were in love relations and they have performed marriage and as per instructions obtained

from the father of applicant namely Somar Sai Rajwade, the applicant already got married with the prosecutrix and they are ready and willing to keep the prosecutrix in their house.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of prosecutrix. Considering the totality of the facts and circumstances of the case and the submission made by learned counsel for the applicant that the applicant has performed marriage with the prosecutrix and they are ready and willing to keep her in their house, 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 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