

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8034 of 2016

Rambhushan S/o Munnaram Chandrawanshi, Aged About 34 Years
R/o Village Laghan Pandariya, Police Station Pipariya, Tahsil
Kawardha, Civil & Revenue District Kabirdham, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate/ Station House
Officer, Police Station Kawardha, District Kabirdham, Chhattisgarh.

---- Respondent

For applicant - Shri Dharmesh Shrivastava, Advocate.
For Respondent/State – Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

20/12/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed for want of prosecution on 29/11/2016 vide M.Cr.C. No.6424 of 2016.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.155/2016 registered in Police Station Kawardha, District-Kabirdham (CG) for offence punishable under sections 376, 450, 323, 506 of Indian Penal Code and Section 3(1)(12) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
3. As per the prosecution case, a report was made by the prosecutrix on 8/05/2016 that on 17/04/2016 the applicant who was tenant forcefully entered into the house and thereafter committed rape without her consent.
4. Learned counsel for the applicant submits that the prosecutrix and the applicant they were in love relation and they have performed marriage which would be evident from the certificate of marriage of Arya Samaj filed as Annexure A-4 and also copy of the affidavit of the prosecutrix wherein

she stated that she has performed marriage with the applicant and false allegations in the earlier have been attributed against the applicant, therefore the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perused the copy of the marriage certificate and also statement. Considering the facts and circumstances of the case, taking into marriage certificate, without further observation on the merits, this court is inclined to release the applicant on bail.

7. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE