

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2189 of 2017

- Jitendra Kashyap S/o Govind Kashyap, Aged About 24 Years R/o Sahpur Mohalla, Police Station Aurangabad , District Aurangabad , (Bihar), Presently Residing At Kenabandh, In The House Of Mitthu Rajwade, Ambikapur, Police Station Kotwali, Ambikapur, District Surguja, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through: Station House Officer, Police Station- Schedule Cast & And Schedule Tribe, Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. C.J.K.Rao, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16-6-2017

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 4-2-2017 in connection with Crime No. 04 of 2017, registered at Police Station Schedule Caste and Schedule Tribe, Ambikapur, District Surajpur (CG) for the offence punishable under Sections 376 (1), 452, 506-B, 323, 450 of IPC and Section 3(2)(5) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act.
2. As per prosecution case, on 30-1-2017 a report was made by the prosecutrix that on 25-1-2017 applicant forcefully entered into her house, assaulted her and thereafter committed forcible sexual intercourse with her and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant and the victim girl were in love relation. Learned counsel on instructions submits that both the applicant and victim girl were married to each other on 21-3-2014 and there has been some dispute between husband and wife, as such some report has been made. He would further submit that victim girl has been examined and she has not supported the case of prosecution. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 4-2-2017 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 is not able to dispute the fact that the prosecutrix has been examined and she has not supported the case prosecution.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statement of the prosecutrix.
7. Predominantly taking into consideration the submission made by the counsel for the applicant that applicant had performed marriage with prosecutrix and further considering the statement of the prosecutrix and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 4-2-2017, 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. He shall also appear before the trial Court as and when directed.

9. In view of the above, I.A.No.1 of 2017, application for urgent hearing and I.A.No. 2 of 2017, application for hearing during summer vacation stand disposed of.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Vacation Judge

Raju