

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 5725 OF 2017

Hemant Choudhari, S/o Shri Indrajeet Choudhari, aged about 29 years, R/o A-15, Sales Tax Colony, Shankar Nagar, Raipur (C.G.), presently residing at Adarsh Chowk, Kabeer Nagar, Raipur, Tahsil & District Raipur (C.G.)

... Applicant

Versus

State of Chhattisgarh, through Police Station- Azad Chowk, Raipur (C.G.)

... Respondent

For Applicant	:	Mr. N. Naha Roy, Advocate.
For Respondent-State	:	Mr. D.R. Minj, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

30/11/2017

1. The present is an application filed under Section 439 of CrPC seeking for grant of bail to the Applicant who is in jail since 16.8.2017 in connection with Crime No.153/2017 registered at Police Station- Azad Chowk, District- Raipur, for the offence punishable under Sections 376, 366, 344, 294, 506-B, 323, 452 of IPC.
2. Allegation against the Applicant as per the prosecution case is that he has deceitfully got marriage registered with the Prosecutrix and is also said to have sexually ravished her on repeated occasions and has also taken her obscene photographs and also made videos of her with intimate scenes with which he is said to have been blackmailing the prosecutrix.
3. Learned Counsel for the Applicant submits that it is a case where the Applicant and the Prosecutrix have duly got themselves married before the concerned authority and a marriage certificate in this regard was also issued by the marriage officer on 17.12.2016 wherein the date of marriage has been shown as 29.8.2016. He further submits that it is a case where since there was some dispute between the two families and the Applicant

was not acceptable to the family members of the Prosecutrix. That as a result of the said differences between them, the Prosecutrix had left the matrimonial home and for which the Applicant has also filed an application under Section 9 for restitution of conjugal rights before the Family Court, Raipur, which is pending consideration. He also submits that the dispute between the parties was also put for a conciliation before the Mahila Thana, Raipur, record of which is also enclosed along with the bail application. He thus submits that considering all these facts and circumstances the Applicant may be released on bail.

4. Learned Counsel for the State however opposing the bail application submits that it is a case where the Applicant is said to have on a false pretext of some training being imparted had taken the Prosecutrix to Bombay and where in a hotel they both stayed together and made physical relations with each other and in between the Applicant is said to have taken some photographs of her and used to blackmail her on that count and therefore looking to the conduct of the Applicant, he does not deserve to be released on bail.

5. Having considered the submissions put forth on either side and on perusal of record particularly the statement of the Prosecutrix wherein she has categorically accepted of having visited along with the Applicant to various places and also permitted him to have sexual intercourse with her, further it also reveals that the Prosecutrix herself has accepted the fact that they both had gone to the office of marriage officer for registering their marriage, this Court is of the opinion that prima facie a strong case is made out for grant of bail.

6. Accordingly, the application for grant of bail is allowed. It is ordered that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like sum to the

satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge

/sharad/