

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 5832 of 2017**

Kamal Kishore Sahu S/o Shri Santosh Sahu, aged about 23 years,
R/o Bohardih, P.S. City Kotwali, Mahasamund, District Mahasamund,
Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh through P.S. Mahasamund, District Mahasamund,
Chhattisgarh

---- Respondent

For Applicant	:	Shri Devershi Thakur, Advocate
For Respondent/State	:	Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****27/11/2017**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who has been arrested in connection with Crime No. 30/2017 registered at Police Station Mahasamund, District Mahasamund (CG) for the offence punishable under Sections 376 & 493 of IPC. The applicant is in jail since 20.04.2017.

2. The allegation against the present applicant is that he is said to have taken the prosecutrix along with him on the pretext of marriage and maintained physical relationship with her. In the course, the prosecutrix got conceived and later she delivered a baby.

3. Counsel for the applicant submits that it is a case where the family of the applicant and the prosecutrix had agreed for marriage between the two but for some reasons failure in fulfilling the terms and conditions, the marriage broke and the parents of the applicant refused to perform the

marriage. Later on, the applicant is said to have persuaded the prosecutrix to marry and in spite of objection by the parents, both of them left the paternal home on 02.05.2016. Subsequently, they were staying together as husband and wife peacefully and that the applicant has accepted the prosecutrix as his wife. He submits that on the date of incident, the prosecutrix had already attained the age of majority as her date of birth is 30.04.1998. Thus, prayed for the applicant to be released on bail.

4. State counsel, however, opposing the bail application submits that it is a case where the applicant deceitfully is said to have made physical relationship with the prosecutrix and got her conceived and later she delivered a baby. Therefore prayed for rejection of the bail application.

5. Having considered the contentions put forth on either side and on perusal of the record particularly the statement of the prosecutrix wherein she states that there was an agreement for marriage between the two but for some reason the marriage broke and subsequently the applicant and the prosecutrix decided to get marry and eloped from the house, this Court is of the opinion that prima facie, a strong case for grant of bail has been made out.

6. Accordingly, the application for grant of bail is allowed. 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 for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
JUDGE