

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 452 of 2017

- Ajay Dey S/o Alok Dey, Aged About 26 Years Caste Kayasth, R/o Village Satyanand Palli, Pakhanjur, Police Station & Tahsil Pakhanjur, District North Bastar Kanker Chhattisgarh --- **Applicant**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Pakhajur, District North Bastar Kanker Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Sanjeev Sahu, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.02.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No.119/2016 registered at Police Station Pakhanjur, Distt. North Bastar Kanker (C.G) for the offence punishable under Sections 376 of IPC.
2. As per the prosecution case, a report was made by the victim on 22.10.2016 that the present applicant on the pretext of marriage has committed forcible sexual intercourse with her but subsequently the parents of the applicant refused the prosecutrix.
3. Learned counsel for the applicant would submit that the victim and the applicant have performed marriage in a temple and since the applicant was not employed as such he could not keep the victim girl continuously with him and no offence has been committed, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
 5. Perused the statements of the victim girl u/ss 161 & 164 Cr.P.C. In 164 statement it is stated that she was married to the present applicant and they were living together for some time and the applicant has filed the affidavit of his father Alok Dey wherein it is stated that the prosecutrix and the applicant have performed marriage and they stayed together for some time and in future no objection will be raised if the applicant and prosecutrix stay together as husband and wife.
 6. Considering the statement of the victim u/s 164 Cr.P.C., and the affidavit of the father of the applicant namely Alok Dey, I am inclined to allow this bail application.
 7. 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 for his appearance before the said Court.
- C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**