

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1358 of 2017

Keju Chakradhari, S/o. Nainsingh Chakradhari, Aged About 35 Years, R/o. Village Tupakbora, Post Office Ganjar, Police Station Bagbahra, District Mahasamund, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Bagbahra, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Mr. Manoj Paranjpe, Advocate

For Respondent : Mr. U.K.S.Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/03/2017

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 in connection with Crime No.27/2017 registered at Police Station- Bagbahra, District Mahasamund (C.G.) for the offence punishable under Section 376, 417, 186, 294 & 506 of Indian Penal Code.
2. As per the prosecution case, a report was made by the prosecutrix on 08.02.2017 that the applicant despite the fact that he was married pretending himself to be unmarried on the pretext of marriage committed sexual intercourse with the prosecutrix in between the period from 11.12.2015 to 2017. Thereafter, though the applicant performed marriage with the prosecutrix, but subsequently she came to know about the fact that the applicant has already married, therefore, on the false assurance the applicant committed the offence.

3. Learned counsel for the applicant would submit that the prosecutrix is a major lady, she herself has performed marriage despite knowing the fact that the applicant was already married and she was a consenting party, therefore, no offence has been committed by the applicant; consequently he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, statement of the prosecutrix and the report wherein categorically she has stated that the applicant projected himself to be unmarried committed sexual intercourse with her and subsequently, it came to notice that he was earlier married. Considering the statement of the prosecutrix and the fact that consent was obtained by fraud, I am not inclined to release the applicant on bail. The liberty is however reserved to repeat the bail after examination of the prosecutrix.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge