

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1625 of 2017

- Raju Singh Sidar S/o Umend Singh Sidar, Aged About 26 Years R/o Village Senduras, Police Station Malkharaud, District- Janjgir- Champa, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh Through: Police Station - Malkharaud District- Janjgir- Champa, Chhattisgarh. --- **Respondent**

For the applicant	:	Miss Nirupama Bajpai, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.03.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 195/2016 registered at Police Station Malkharaud Distt. Janjgir Champa (C.G) for the offence punishable under Sections 376, 506 of IPC.
2. As per the prosecution case, a report was made by the victim on 24.09.2016 that from May 2015, the applicant on the pretext of marriage committed sexual intercourse, thereafter a baby child was born. Thereafter when the prosecutrix went to the applicant, he refused to accept the baby and the lady, therefore, the offence has been committed.
3. Learned counsel for the applicant would submit that the prosecutrix was earlier married to Hem Kumar; there was no legal divorce and she was a consenting party, therefore, no offence has been committed. He further submits that the charge sheet has been filed; no further investigation is

necessary and the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
 5. Perused the statement of the victim recorded u/ss 161 & 164 Cr.P.C. Considering the same, without any further observation on the merits of the case, I am inclined to allow this bail application.
 6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on 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 as and when directed.
- C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**