

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1860 of 2017

- Anees Ahmed (Wrongly Written As Anish Ahmed) S/o Late Naimuddin, Aged About 30 Years R/o Mominpura, Behind Sarlaya Mandir, Ward No. 40, Rasid Paper Gali, Police Station City Kotwali, Tahsil & District Ambikapur, Chhattisgarh. --- **Appellant**

Versus

- State of Chhattisgarh through Station House Officer Police Station Civil Lines, Bilaspur, District Bilaspur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mrs. Hamida Siddiqui, Advocate
For the State	:	Mr. Prashun Bhaduri, Dy.G.A.
For the objector	:	Mr. Anil Singh Rajput, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.06.2017

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.31/2017 registered at P.S. Civil Lines, Bilaspur (C.G) for the offence punishable under Sections 376 & 493 of IPC.
2. As per the prosecution case, the applicant who belonged to different community projected a marriage with the prosecutrix and thereafter committed sexual intercourse and further he performed the marriage during the existence of the first marriage, therefore, the offence is committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the prosecutrix and the applicant were married knowing each other and they stayed together for a considerable period of time at different places. However, subsequently they could not go long and another marriage was performed thereby the offence u/s 376 IPC is not made out. It is further submitted that the charge

sheet has been filed in this case and the applicant is in jail since 10.02.2017, therefore, he may be enlarged on bail.

4. On the other hand, learned State Counsel as also counsel for the objector vehemently oppose the prayer for grant of bail.
5. Perused the statement of prosecutrix as also the conciliation proceedings wherein it appears that the applicant and the prosecutrix stayed together for a considerable period of time. Taking into such conciliation proceedings and the statement, 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 his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court for his appearance as and when directed by the said Court.

Cc as per rules.

**Sd/-
GOUTAM BHADURI
V. JUDGE**