

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3165 of 2017**

- Parmeshwar Ravi S/o Ramuna Ravi, Aged About 28 Years R/o Village Changori, Police Station, Dhaurpur, Police Station Babauli, District- Surguja, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through In Charge Of Police Station Women Police Station (Mahila Thana), Ambikapur, District- Surguja, Chhattisgarh.

---- Respondent

For Applicant : Ms. Priyanka Mehta, Advocate
 For Respondent/State : Shri OP Sahu, Govt. Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****03.7.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.02/2017 registered in Police Station Mahila Thana, Ambikapur, Distt. Surguja for the offence punishable under Section 376 of the Indian Penal Code.

3. Learned counsel for the applicant submit that the applicant has been arrested on 15.3.2017, after investigation, police has filed charge sheet which is pending before Additional Sessions Judge (FTC) Surguja at Ambikapur as Session Trial No. 33/17. Learned counsel for the applicant would submit that the prosecutrix in her statement recorded under Section 164 of the Cr.P.C. has not supported the case of the prosecution and would submit that when the applicant denied for marriage, she on anger lodged report at the police station and the

parents of both the parties arrived at a settlement that whenever the applicant comes out from the jail, he will perform court marriage with the prosecutrix. The prosecutrix also filed an affidavit before the concerned trial court that she on account of confusion and anger lodged a report against the applicant in which she has stated the facts exaggerated. The prosecutrix was also examined before the trial court where she turned hostile and not supported the case of the prosecution hence, the instant bail application may be allowed.

4. Per contra , learned counsel for the State opposes the arguments advanced on behalf of the applicant.

5. Perused the entire material.

6. This Court is not a trial Court for appreciation of the entire evidence adduced during trial. Apart from this, the Court of District Marriage Officer situates at Ambikapur. As offered if the applicant and the prosecutrix want to perform court marriage, they can very well file application before the District Marriage Officer to perform the marriage and for this the applicant may file an application in the trial Court so as to permit him to appear before the District Marriage Officer for further proceedings regarding marriage.

7. On due consideration, looking to the entire facts, I am not inclined to grant bail to the applicant.

8. Accordingly, application filed under Section 439 of Cr.P.C. is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE