

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5161 of 2017

Karan Soni S/o Late Manoj Soni, Aged About 28 Years R/o Village Bouripara, Shikari Road, Near C.G. Global School Ambikapur, Police Station Kotwali, District Surguja, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station A J A K, Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

For Applicant :- Ms. Hamida Siddique, Advocate.

For Respondent/ State :- Mr. Anil S Pandey, Govt. Advocate

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

20/11/2017

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. 14/2017 registered at Police Station- AJAK, Ambikapur, District Surguja (C.G.) for the offence punishable under Sections 376(2) (n) of the IPC and section 3 (2-v) of the Scheduled Caste and Scheduled Tribe(Prevention of Atrocities Act) 1989.
2. Case of the prosecution, in brief, is that the applicant deceived the prosecutrix that he will get her divorce with her husband and committed sexual intercourse with her.
3. Counsel for the applicant submits that the applicant and the prosecutrix were living together since 2014 and after three years the applicant denied to marry her. She further submits that the prosecutrix is aged

about 32 years and she was living with the applicant even when she was not divorced.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Looking to the facts and circumstances of the case, that the prosecutrix is aged about 32 years and she was living with the applicant for last three years, without further commenting anything on it merit, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. I is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Ram Prasanna Sharma)
Judge