

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5229 of 2017

Amar Kumar Avinashi S/o Sushil Kumar Avinashi, Aged About 23 Years
R/o Amartal, Police Station Akaltara, District Janjgir- Chamapa, Chhattisgarh
At Present R/o Ayodhyapuri, Darri, District- Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh S/o Through: Station House Officer Police Station
City Kotwali, District- Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Rajnish Singh Patel, Advocate

For Respondent : Mr. Anil S Pandey, Govt Advocate

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

24/11/2017

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. 446/2017 registered at Police Station- City Kotwali, District Korba (C.G.) for the offence punishable under Sections 376 IPC.
2. As per the prosecution case, the prosecutrix is aged 24 years and the applicant is aged 23 years. The applicant contacted with the prosecutrix and promised her to marry. Upon the said promise both have made physical relation during July 2016 to July 2017, thereafter the applicant refused to marry with her.
3. Counsel for the applicant submits that both are major and have consented for physical relation and no offence under Section 376 of the IPC is made out, therefore, the applicant may be enlarged on bail.

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. Considering the facts and circumstances of the case, that both are major and have made physical relation on promise to marry and further considering the fact that the applicant is in jail since 03.07.2017, 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. It 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

Santosh