

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5360 of 2017**

- Mohammad Istihak Qureshi @ Shanu S/o Ishak Qureshi, Aged About 22 Years R/o Etmanagar, Police Station Bango, District Korba, Chhattisgarh.

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station A. J. K. Bilaspur, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	Mr. Abdul Wahab Khan, Advocate
For Respondent /State	Mr. R. Tripathi, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****24/11/2017**

1. Heard.
2. This is an 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.02/2017, registered at Police Station A.J.K. Bilaspur, District Bilaspur (CG) for the offence punishable under Sections 376, 506-B, 34 of IPC and Section 3(1) (xii) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

3. The statement recorded under Section 164 of Cr.P.C. of the prosecutrix would disclose that the applicant was a Helper in a private bus service, in which, the prosecutrix happened to be travelling and in the process, they developed intimacy. They eventually got married in a *Shiv* Temple and started living together and earning their livelihood. After few months, the applicant's mother called him back to the village on the pretext that they will accept the prosecutrix in the family. However, the prosecutrix was beaten by the applicant's parents. Thereafter, both the applicant and the prosecutrix went back to Delhi and resided together for 2-3 months and once again, they came back to the village on the request of the applicant's mother. During this period, the prosecutrix was threatened by the applicant's parents and was made to sign affidavit. At the time of recording of the statements, the prosecutrix was carrying 5 months pregnancy.
4. It appears, the prosecutrix is not making allegation that the applicant wanted to get rid of her, but he has performed another marriage due to insistence of his parents. The prosecutrix is aged about 19 years.
5. Learned counsel for the State would oppose the bail application.
6. Considering the fact that the prosecutrix is more than 18 years of age; both the applicant and the prosecutrix have stayed together for several months and; at present, the investigation is complete, this Court is inclined to release the applicant on

regular bail.

7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

8. Certified copy as per rules.

Sd/-

Judge

(Prashant Kumar Mishra)

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