

HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Criminal Case No.5959 of 2017

- Ram Pratap Kushwaha S/o Dashrath Prasad, Aged About 50 Years R/o Village Amhar, Police Station Patna, Tahsil Bainkunthpur, District Korea Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Mahila Station House Officer, P. S. Ambikapur, Civil And Revenue District Surguja Chhattisgarh.

---- Respondent

For applicant	: Shri Sachin Singh Rajput, Advocate
For respondent/State	: Shri 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 bail to the applicant who has been arrested on 30.8.2017 in connection with Crime No.09/2017, registered at Police Station Ambikapur, Distt. Surguja (CG) for the offence punishable under Sections 493, 376(2)(n), 109 of the Indian Penal Code.

2. As per the prosecution story, Shiv Kushwaha is son of the applicant who got married with one Vimla Kushwaha and after 5-6 months, he left the house and started living with the prosecutrix and committed intercourse with her. It is alleged that present applicant who is the father of Shiv Kushwaha abetted his son for commission of offence.

3. Learned counsel for the applicant submits that present applicant did no criminal act punishable under the Indian Penal Code. The prosecutrix is aged about 27 years and is major and if she had made physical relation with the son of the applicant, same is not an offence.

4. On the other hand, learned counsel for the State opposes the bail application.

5. I have heard learned counsel for the parties and perused the case diary.

6. Taking into consideration that prosecutrix is major and made relation with son of the applicant, without further taking into consideration that the applicant is in jail since 30.8.2017, it is a fit case to grant bail to the applicant.

7. Accordingly, bail application filed under Section 439 CrPC is hereby allowed.

8. It is directed that the applicant shall be released on bail on furnishing a persons 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