

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7622 of 2016

- Cashmir Beck S/o Surendra Beck, Aged About 22 Years (Wrongly Mentioned As Kashmir Bak), (Wrongly Mentioned As Aged 32 Years), Caste Urao, R/o Village Basantal, Tahsil Kunkuri, District Jashpur, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Narayanpur, District Jashpur, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Malay Shrivastava, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17-01-2017

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 on 23-9-2016 in connection with Crime No. 50 of 2016, registered at Police Station Narayanpur, District Jashpur (CG) for the offence punishable under Section 376 of the IPC.
2. As per prosecution case, 21-4-2016 a report was made by the prosecutrix that initially present applicant forcibly committed sexual intercourse with her and thereafter on the pretext of marriage he continued physical relation with her and when she became pregnancy he refused to marry her and extended threat to kill her and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in this case and on

instructions it is submitted that the applicant is ready and willingness to marry the prosecutrix. It is further submitted that because of resistance of the family members of the applicant, the marriage could not be solemnized which would be evident from the statement of the prosecutrix. He would further submit that charge-sheet has been filed, the applicant is in jail since 3-9-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, State counsel opposes the bail application.
5. I have heard learned counsel for the parties, perused the case diary, documents and the statement of the prosecutrix.
6. Taking into consideration the facts and circumstances of the case, considering the statement of the prosecutrix and further considering the submission of the applicant that he is ready and willingness to marry the prosecutrix, without further observation on the merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the 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.
8. The trial Court is directed to communicate the submissions made by the applicant about his willingness to marry to the prosecutrix before the trial is concluded.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

