

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8326 of 2016

Rameshwar Nishad, S/o. Murali Nishad, Aged About 23 Years, R/o. Village- Kandarka, Thana- Berla, District- Bemetara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through: Thana- Berla, District- Bemetara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Samir Singh, Advocate

For Respondent : Mr. Avinash K Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10/01/2017

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 in connection with Crime No.356/2016 registered at Police Station- Berla, District Bemetara (C.G.) for the offence punishable under Section 376 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by the prosecutrix on 12.11.2016 that the present applicant on the pretext of marriage has committed sexual intercourse with her thereby she got pregnant. Subsequently, the applicant refused to marry, thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and due to some misunderstanding the report is made. He further submits that the applicant is still ready and willing to marry with the complainant and it is submitted that an affidavit has been filed by the father of the applicant as per the instruction received from the applicant that the applicant is

ready to marry with the complainant; therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, documents and statements. Considering the facts and circumstances of the case and the fact that the applicant has consented to marry with the prosecutrix, without any observation on merit, taking into the statement of the applicant, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. 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/-
(Goutam Bhaduri)
Judge