

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2374 of 2017

- Mukesh Maske S/o Shri Radheshyam Maske, Aged About 26 Years
R/o Behind Chirkuti Mandir, In Front Of Thakur Shop, Gulab Nagar,
Post Office Raipur, Police Station Gudhiyari, Raipur, District Raipur
Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through The Station House Officer, Police
Station Gudhiyari, District Raipur Chhattisgarh

---- **Respondent**

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent/State : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20-04-2017

1. This is second 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 22-10-2016 in connection with Crime No. 329 of 2016, registered at Police Station Gudhiyari, District Raipur (CG) for the offence punishable under Section 376, 376(n) and 313 of IPC
2. Case of the prosecution, in brief, is that a report was made by the prosecutrix that from 2009 to 2012 the applicant on the pretext of marriage committed sexual intercourse with her and consequently he refused to marry her and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that this second bail petition and on 30-1-2017 earlier bail petition was dismissed as withdrawn with liberty to repeat the same after

examination of the prosecutrix. Now the prosecutrix has been examined and she has sworn the affidavit in which she has stated that she wanted to marry with the applicant. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 22-10-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. The State counsel was directed to verify the affidavit of the prosecutrix. On verification, it is stated by the State counsel that the prosecutrix is ready and willing to marry with the applicant.
7. Taking into consideration the facts and circumstances of the case and further considering the affidavit of the prosecutrix and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 22-10-2016, this court is inclined to release the applicant on bail.
8. 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. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

