

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3582 of 2017

Raju Sidar S/o Chamar Singh Sidar, Aged About 27 Years
Occupation Labourer, R/o Dindayal Colony, Raigarh, Distt. Raigarh,
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
City Kotwali, Distt. Raigarh, Chhattisgarh

---- Respondent

For applicant - Shri Awadh Tripathi, Advocate.
For Respondent/State – Shri Vivek Singhal, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

22/06/2017

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 11/11/2016 vide M.Cr.C. No.6842 of 2016 with liberty to repeat the same after examination of the prosecutrix.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 133/2016 registered in Police Station City Kotwali, Distt. Raigarh (CG) for offence punishable under section 376 of IPC.
3. As per the prosecution case, a report was made by the victim that from March 2015 on the pretext of marriage and extension of threat the applicant has committed forceful sexual intercourse whereby she became pregnant. It is stated that the applicant has extended threat to kill family members of the victim.
4. Learned counsel for the applicant submits that now the prosecutrix has been examined, no further change of evidence can be made. Taking

into such statement that she was in relation with the applicant for more than one year, she was a consenting party and major lady, the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perused the statement of the victim examined as PW-5. Considering the statement without any observation on the merit primarily taking into fact victim has already been examined and it is for the trial court to adjudicate as to whether sexual intercourse was committed or not on the pretext of marriage. Considering the fact that victim has been examined, without any observation on the merits of this case, I am inclined to release the applicant on bail.

7. Accordingly, the second bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE