

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5689 of 2017**

- Parmeshwar Ravi, S/o Ramuna Ravi, Aged About 28 Years, R/o Village Changori, Police Station, Dhaurpur, Post Office, Babauli, District Surguja, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through In Charge Of Police Station, Women Police Station (Mahila Thana), Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

For Applicant : Ms. Priyanka Mehta, Advocate
 For Respondent/State : Shri Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****20.09.2017**

Heard on IA No.01/17 for taking document on record.

On due consideration IA No.01/17 is hereby allowed the documents annexed along with the IA No.01/17 is taken on the record if otherwise admissible in evidence.

2. Learned counsel for the applicant would submit that the applicant has been arrested in connection with Crime No.02/17 on 15/03/2017, Women Police Station Ambikapur, Distt. Surguja, (C.G.) for the offence under Section 376 of the Indian Penal Code.

3. Learned counsel for the applicant would submit that after investigation police had filed charge-sheet which is pending before the Additional Sessions Judge (FTC) Ambikapur, Distt. Surguja (C.G.) as Sessions Trial No. 33/17. Learned counsel for the applicant

would further submit the applicant had preferred MCRC No.3165/17 for his release on bail by this Court vide order dated 03/07/2017, dismissed the application to enlarged the applicant on bail but observed that if the prosecutrix and the applicant wants to perform Court Marriage they can very well file application before the District Marriage Officer to perform the marriage and for this applicant may file an application in the Trial Court, son as to permit him to appear before the District Marriage Officer for further proceedings regarding the marriage in compliance of observation and opportunity given by this Court. The applicant had filed appropriate application before the concerned Trial Court. The Trial Court permitted the applicant to remain present before the Additional Collector/Special Marriage Officer, Ambikapur, Distt Surguja (C.G.) on 21/08/17 thereafter the applicant remain present in custody before the said Special Marriage Officer on 21/08/2017. There the applicant and the prosecutrix perform the declaration as required under the Section 11 of the Special Marriage Act. The said Special Marriage Officer certified the solemnization of marriage of applicant and the prosecutrix on 21/08/2017 with this applicant and prosecutrix are now lawfully married husband and wife. Also prior to the marriage, prosecutrix not supported the prosecution's story declared hostile, prosecutrix is a major woman and aged about 23 years, on consideration of entire facts the matter may be considered regarding grant of bail to the applicant.

4. Per Contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicant.

5. Perused the entire matter.

6. As this is the repeated bail application, applicant is in custody since 15/03/17 i.e. more than 6 months, applicant is the first offender and never involved in any of the crime, prosecutrix is a major woman and not supported the prosecution's story in trial and also the applicant and the prosecutrix solemnized the marriage under the Special Marriage Act, on 21/08/2017 and they are lawfully wedded husband and wife, without commenting anything on merits, I am inclined to grant one opportunity to the applicant so that he shall not commit any offence in future and shall remain peacefully in the society without committing any crime.

7. Consequently, the instant MCRC is allowed.

8. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety of like some amount to the satisfaction of Trial Judge for his appearance before the said Court regularly as and when directed by the said Court.

9. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of above, the Court

below may proceed further under the provisions of law under intimation.

10. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge

Deeptijha