

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6827 of 2017

Uttam Kumar Thakur S/o Babu Lal Thakur, Aged About 21 Years
R/o Village Bodka Baba, Police Station Saja, Civil And Revenue
District Bemetara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Saja, District Bemetara, Chhattisgarh

---- Respondent

For applicant - Ms. Sharmila Singhai, Advocate.
For Respondent/State –Shri S.R.J. Jaiswal, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

15/11/2017

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 15/06/2017 vide M.Cr.C. No.2871 of 2017 with liberty to repeat the bail application after examination of prosecution witnesses.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.214/2016 registered in Police Station Saja, District-Bemetara (C.G.) for offence punishable under section 376 of IPC and Section 5 (घ), 6 of Protection of Children from Sexual Offences Act, 2012.
3. As per the prosecution case, the applicant was arrested for committing forcefull rape on the victim by alluring her for marriage in the year 2015 and thereafter continued such sexual intercourse whereby she became pregnant. When the family members of the victim went with marriage proposal it was refused by the applicant and his family members and out of such relation a child was born and eventually a report was made.

4. Learned counsel for the applicant submits that earlier bail application was dismissed as withdrawn with liberty to repeat the bail application after examination of the prosecution witnesses. It is submitted that now marriage has been performed in between the applicant Uttam Kumar Thakur and the victim. She referred to the document photograph and also the marriage card and would submit that during the trial marriage was performed, therefore the applicant may be released on bail.

5. Learned State counsel was directed to verify the fact about the marriage. State has come with the statement of the victim, priest Narendra Prasad Pandey, Puran, Babulal and Jagdish Gandharv. As per their statement marriage of the victim has been performed with the applicant.

6. In view of the aforesaid statement, this court is 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