

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1987 of 2018

Abhishek Patnaik S/o- Shri Mahaveer Patnaik, aged about – 30 years, Occupation- Service, R/o. Tamnar, PS and Tahsil- Tamnar, District- Raigarh (C.G.).

---- Applicant

Versus

State of Chhattisgarh Through: SHO of the Police Station- Tamnar, District- Raigarh (C.G.).

---- Respondent

For Applicant	:	Mr. Abhishek Saraf, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

27/04/2018

1. The applicant has preferred first bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 15/2018 registered at Police Station- Tamnar, District- Raigarh (C.G.) for the offence punishable under Section 376 of IPC.
2. As per the prosecution story on 18/01/2018, the prosecutrix aged about 27 years, lodged a report at P.S.- Tamnar alleging that the present applicant on the pretext of marriage had made physical relation with her on 03/01/2018 and took her to Tamnar to Raigarh, Raigarh to Bilaspur, Bilaspur to Mumbai. At Mumbai, he performed marriage with her and then he took her to go Goa and stayed there till 09/01/2018. On 10/01/2018, he again took her to Mumbai and on 11/01/2018 he returned to Raigarh with her and left the prosecutrix on the railway station and fled away from there. Offence was registered and the applicant was arrested 15/02/2018.

3. Learned counsel appearing on behalf of the applicant submits there was love relation between the prosecutrix and the applicant, they had also performed the marriage at Mumbai, since both (applicant and prosecutrix) belong to different castes, therefore, she (prosecutrix) on the pressure of her father lodged the report. He further submits that the prosecutrix was the consenting party, the applicant is in custody since 15/02/2018, charge-sheet has been filed and the trial will likely to take some time to conclude, therefore, he may be released.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the above facts and circumstances of the case, particularly, the fact that both (applicant and prosecutrix) are major and as per FIR itself, both have performed marriage and resided together at Mumbai as well as Goa, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, MCRC. No.1987/2018 is allowed. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 10,000/- with one surety for the like amount to the satisfaction of the trial Court. Thereafter, he will appear before the Trial Court on each and every date given by the said Court.

Sd/-
Judge
Arvind Singh Chandel