

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2991 of 2018

Tejram Patel, S/o Nanku Patel, Aged About 45 Years, R/o Village Pikrimal, P. S. Sariya, Tahsil Baramkela, District - Raigarh Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh, Through The Station House Officer, P. S. Sariya, District Raigarh Chhattisgarh

---- Respondent

For Applicant	:	Shri Wasim Miyan, Advocate
For Respondent – State	:	Shri A. Sao, Dy. G.A. for the State

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/05/2018

1. This is the first 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 30.03.2018 in connection with Crime No.77/2018 registered at Police Station Sariya, District - Raigarh (CG) for the offence punishable under Section 376 of the IPC.
2. As per the prosecution case, a report was made by the prosecutrix on 29.03.2018 that on a pretext of marriage, the applicant forcefully committed sexual intercourse with her and thereafter refused to marry her.
3. Learned counsel for the applicant submits that the victim, on the date of commission of alleged offence, was major and she herself went along with the applicant. He further submits that the applicant and the victim have performed marriage and out of the wedlock one child had also born out who

expired after 10 months. He prays for release of the applicant on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case-diary and written complaint of the prosecutrix.
6. Considering the statements and the fact that the incident was reported after more than a year, without any further observation on merits of this case, I am inclined to release the applicant on bail.
7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

(Goutam Bhaduri)
Vacation Judge