

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4626 of 2018**

Rajesh Sharma S/o Laxmi Narayan Sharma Aged About 26 Years R/o- Ambika Nagar, Sokhda Road, Baroda (Gujarat), Present Address- Purena Bhilai, Tahsil And District- Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station Bhilai-3, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri Rajesh Kumar Tiwari, Advocate.
For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.07.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 160 of 2015, registered at Police Station Bhilai-3, District Durg, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 25.04.2018 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The prosecutrix in this case is a major lady and the applicant and the prosecutrix both have married after she attained the age of 18 years. Hence, under these circumstances, it is prayed that the

applicant be enlarged on bail.

3. On the other hand, learned counsels for the State oppose the bail application and the submissions made in this respect. It is submitted that on the date of incident the prosecutrix was a minor girl. Hence, no case is made out for grant of regular bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, the applicant allured the prosecutrix with a promise to marry her and then established physical relationship with her on 15.12.2015 in Gujarat. Because of continuous relationship, the prosecutrix became pregnant and has given birth to a female child, who is now two years old. Hence, this case.

6. According to the statement under Section 164 of the Cr.P.C., the prosecutrix has admitted about the marriage with the applicant after attaining the age of 18 years. Hence, looking to the development and change in the circumstances, I am of the considered opinion that the applicant deserves to be released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when

directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge