

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5575 of 2018**

Ajmer Tigga, S/o Fabiyanus Tigga, Aged About 30 Years, R/o-
Police Constable, Police Station Bijapur, District Bijapur,
Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through Station House Officer, Police
Station Bijapur, District Bijapur, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri T. K. Jha, Advocate.

For Non-Applicant/State : Shri Arvind Dubey, P. L.

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****16.11.2018**

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter referred to Cr.P.C.), for grant of regular bail, as the applicant has been arrested on 09.04.2018 in connection with Crime No. 28/2018, registered in Police Station Bijapur, District Bijapur (C.G.) for the offence punishable under Section 376 of the Indian Penal Code, 1860 (for short 'IPC').
2. The case of the prosecution is that on the basis of the written complaint lodged by the prosecutrix on 23.03.2018, the aforesaid

offence has been registered against the applicant, while arresting him on 09.04.2018. It is alleged by the prosecutrix that on the pretext of marriage, the applicant has committed sexual intercourse with her forcibly, as a result of which, she became pregnant. Based upon the alleged allegation the offence punishable under Section 376 of IPC has been registered against the applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in connection with the aforesaid crime. He submits further that prosecutrix herself is a consenting party, and therefore, no offence as alleged by the prosecutrix has been committed by the applicant. He submits further that applicant was granted temporary bail on 18.09.2018 and thereafter the applicant has got married with the prosecutrix on 20.10.2018 and in support thereof both applicant and the prosecutrix have submitted their affidavits along with marriage certificate.
4. On the other hand, learned State counsel opposes the bail application and submits that the offence as alleged by the prosecutrix in her written complaint is serious in nature, and therefore, the application as framed deserves to be rejected.
5. I have heard learned counsel for the parties and perused the entire case diary carefully.
6. Having considered the facts and circumstances of the case, considering the age of the prosecutrix and that by considering

further the affidavits of the applicant as well as the prosecutrix coupled with the Marriage Certificate showing somenization of their marriage on 20.10.2018, I am inclined to enlarge the applicant on bail.

7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his furnishing a personal bond in sum of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with one surety in the like sum to the satisfaction of the concerned trial Court. He is directed to appear before the concerned trial Court on each and every date as and when directed by the concerned trial Court.

Sd/-
(**Sanjay Agrawal**)
Judge