

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7735 of 2018**

- Ashish Manikpuri S/o Narayan Das Manikpuri Aged About 20 Years R/o Village- Hardikala Tona, Police Station- Sirgitti, District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station- Sirgitti, District- Bilaspur, Chhattisgarh.

---- Respondent

For the appellant	: Mr.Amit Kumar, Advocate.
For the respondent/State	: Mr. Vinod Tekam, P.L.
For the complainant`	:Mr. Rajendra Kumar Patel, Advocate.

Hon'ble Shri Justice Ram Prasanna Sharma**Order on Board****1-11-2018.**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 29-6-2018 in connection with Crime No. 141 of 2018 registered at Police Station Sirgitti, District Bilaspur (CG), for the offence punishable under Sections 363, 366, 376 of IPC and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution is that the applicant promised the prosecutrix to marry her and on that basis he maintained sexual intercourse with her and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant and prosecutrix were married to each other and they are living as husband and wife, therefore, no offence is made out against the applicant. He would further submit that the applicant has been falsely implicated in the instant case, he is in jail since

29-6-2018 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the application for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Looking to the fact that the applicant and prosecutrix were married to each other and they are living as husband and wife, without further commenting on the merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one local surety in the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules

Sd/-

(Ram Prasanna Sharma)
JUDGE

Raju