

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 386 of 2019

- Anusuiya Porte D/o Shri Kartik Lal Porte Aged About 26 Years Caste Gond, Tribal (Scheduled Tribe) R/o Village Paraskol, Police Station And Tahsil Basna, District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Station House Officer, Police Station Basna, District Mahasamund, District : Mahasamund, Chhattisgarh
2. Anant Ram Sahu S/o Shri Rajiv Lochan Sahu Aged About 29 Years By Caste Kolta, R/o Village Paraskol, Police Station And Tahsil Basna, District Mahasamund, District : Mahasamund, Chhattisgarh

---- Respondents

For Petitioner : Shri Gurudev I. Sharan, Advocate.

For Respondents : Ms. Sangeeta Mishra, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

14.02.2019

1. This Cr.M.P. has been filed under Section 439(2) of the Cr.P.C. preferred by the petitioner before this Court seeking cancellation of the bail order granted to respondent No. 2.
2. Case of the prosecution, in brief is that prosecutrix is near about 27 years old. There was love affairs between her and respondent No.2 since back 4 years. He took her by enticing on pretext of marriage. He committed repeatedly sexual intercourse with her on pretext of marriage. She is the member of scheduled caste.
3. Trial Court granted bail on 26.10.2018 on the ground that there was love affair between the prosecutrix and the respondent No.2, FIR is delayed by one month, it would not be proper to detain the applicant.
4. Learned counsel for the petitioner submitted that the trial Court had granted bail within 15 days from the arrest. Trial Court did not consider that prosecutrix was not the consenting party, thus bail order may be cancelled.
5. On the other hand, learned counsel for the State opposes petition and submitted that the bail order is proper.
6. Prima facie it does not appear that trial Court ignored material evidence available on record. Prima facie it does not appear that bail order is without reason. Prima facie it does not appear that aforesaid bail order is perverse.
7. Considering the entire material available on record this Court finds that the trial Court has not committed any illegality or violated any settled legal principles in the case in hand.
8. This Court does not entertain this petition for cancellation of the bail.
9. Accordingly, the petition is dismissed in limine.
10. Certified copy as per rules.

Sd/-
 (Sharad Kumar Gupta)
JUDGE