

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6599 of 2020

- Anish Kumar Singh S/o Late Satish Singh Aged About 23 Years
Caste Kshtriya, Occupation Transpoter, R/o Departmental Colony,
Vishrampur, P.S. Vishrampur, District Surajpur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Vishrampur, District Surajpur Chhattisgarh.

---- Respondent

For Applicant : Mr. Shakti Raj Sinha, Advocate

For Respondent : Ms. Richa Shukla, Dy. G.A.

For Objector : Mr. R. Virajwade, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16.12.2020

1. The applicant has preferred this application u/s 439 of Cr.P.C. for grant of bail as he is arrested on 22.08.2020 in connection with Crime No. 156/2020 registered at Police Station Vishrampur District Surajpur (C.G.) for offence punishable under sections 376, 294, 506, 323/28 of IPC.
2. As per the prosecution case a report was logged by the prosecutrix on 21.08.2020 that the applicant developed physical relation with the prosecutrix on 15.09.2018 and on pre-text of marriage initially committed sexual intercourse with her and thereafter when he was pressurized he performed marriage with her at Amibkapur temple and thereafter sent her back and went back to Delhi.
3. Learned counsel for the applicant would submit that the applicant has already performed marriage with the prosecutrix and the prosecutrix is major therefore no offence has been made out. He

further submits that charge sheet has been filed and the applicant may be enlarged on bail.

4. Learned counsel for the objector would submit that when the prosecutrix became pregnant, the applicant did not kept her along with him and tried to abort the child and fled away.
5. Learned State counsel opposes the prayer for grant of bail and refer to the statement of the prosecutrix under Section 164 of Cr.P.C.
6. Perused the statement of the prosecutrix under Section 161 & 164 of Cr.P.C. Considering the statement of prosecutrix and the medical report annexed and considering that the prosecutrix is aged about 35 years and charge sheet has already been filed, I am inclined to grant bail. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.
7. However, the prosecutrix shall be at liberty to obtain the copy of the photographs relied upon by the applicant wherein he has admitted to have performed marriage with the prosecutrix.

Sd/-
(Goutam Bhaduri)
Judge