

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6760 of 2020

- Shiva @ Shiv Kumar S/o Late Anandram Goswami, Aged About 22 Years R/o Kaali Mandir, Rajnagar, Tahsil Kotma, District Anuppur (Madhya Pradesh)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. Manendragarh, District Koriya Chhattisgarh,

---- Respondent

For Applicant	:	Ms. Deblina Maity, Advocate
For State	:	Mrs. Sunita Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

17.12.2020

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of bail as he is arrested on 15.08.2020 in connection with Crime No. 286/2020, registered in Police Station Manendragarh District Koriya (C.G.) for offence punishable under section 376(2)(N) of IPC.
2. As per the prosecution case, the applicant on the allurements of the marriage, took away the prosecutrix on 14.08.2020 and committed sexual intercourse against her will. Thereafter, the report was made on 19.08.2020.
3. Learned counsel for the applicant submits that the prosecutrix was

in love relation with the applicant which would be evident from the affidavit Annexure A-2. He submits that the chargesheet has also been filed and the prosecutrix is a major, therefore no offence is made out.

4. Learned State counsel opposes the argument made by learned counsel for the applicant.

5. Considering the nature of allegation and the content of affidavit which is attached by the prosecutrix, I am inclined to release the applicant on 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.

6. Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE