

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3253 of 2021**

Deendyal Gawde, son of Shivilal Gawde, aged about 35 years, R/o village –
Pewari, PS Daundi, District – Balod (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Daundi, District Balod
(C.G.)

----Non-applicant

For Applicant : Mr. B.P. Singh, Advocate.
For Non-applicant : Ms. Akshra Amit, Panel Lawyer.

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****17.11.2021**

(1) The applicant/accused has preferred this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail in connection with Crime No. 35/2021 registered at police Station Daundi, Distt. Balod for commission of offence punishable under Section 376 (2)(L) of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that since March, 2017 applicant sexually harassed the victim/prosecutrix, who is deaf and dumb lady, hence she delivered a female child on 11.12.2017. In the village meeting, the applicant has stated that he is ready & willing to perform marriage with the victim/prosecutrix but subsequently he refused to do so. On being report lodged by brother of the victim/prosecutrix, present crime was registered against the applicant. After usual investigation, charge sheet under Section 376 (2) (घ) was filed against the applicant.

(3) Learned counsel appearing for the applicant would submit that pursuant to the direction issued by this Court, marriage of victim/prosecutrix has been

solemnized with the applicant on 17.09.2021 as per their rites and rituals in presence of their relatives and community members of both the parties. Their Community i.e. Gondwana Samaj Block, Dondi has also issued marriage certificate, which is evident from the order-sheets dated 28.7.2021, 03.08.2021, 23.08.2021, 13.09.2021, 15.9.2021 & 20.9.2021 passed by Sessions Judge, Balod in Sessions Case No. 30/2021, which have been filed by the applicant. He would also submit that applicant is in detention since 01.04.2021 and since marriage of applicant & victim/prosecutrix has been performed, therefore, applicant is entitled to be released on bail.

(4) On the other hand, learned counsel for the State opposes the bail application.

(5) Considering the facts & circumstance of the case, nature & gravity of the offence, particularly the fact that as per order-sheet dated 20.9.2021 passed by Sessions Judge, Balod in Sessions Case No. 30/2021, marriage of the applicant & victim/prosecutrix was solemnized on 17.09.2021; also taking into consideration the detention period of the applicant and totality of the facts of the case, I am of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(N.K. Chandravanshi)
Judge

D/-

