

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6656 of 2020**

Kamlesh Chandrawanshi, S/o. Late Kirtan Lal Chandrawanshi, Aged About 36 Years, R/o. Mohanpur, P.S. Bagnadi, District Rajnandgaon, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through the Police Station Bodhghat, District Bastar, Chhattisgarh.

---- Respondent

For Applicant : Mr. P.K.Tulsyan, Advocate

For Respondent/State : Mr. Gagan Tiwari, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05.01.2021

1. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 05.09.2020 in connection with Crime No.211/2020 registered at Police Station- Bodhghat, District Bastar for the offence punishable under Sections 498(A), 354(B), 377 & 34 of I.P.C.
2. As per the prosecution case, the applicant performed a marriage with the complainant on 20.05.2013 out of love affair, thereafter, they remained together uptill 2018. Subsequently, in the year 2014, the applicant in order to get a job in the Railway obtained Rs.6,00,000/- from the complainant but it was found to be fake. Thereafter, it was revealed that the applicant has committed second marriage from one Indu without the valid divorce and further the allegation is that the complainant was subjected to unnatural sexual intercourse by the applicant.
3. Learned counsel for the applicant submits that the offence is triable by the J.M.F.C., the charge sheet has been filed and no further investigation is necessary and the applicant is in jail since 05.09.2020, therefore, the

applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. On the earlier hearing, a query was made whether the applicant has performed second marriage or not and as against this an affidavit has been submitted by the applicant that he has not performed second marriage. The affidavit is produced dated 22.12.2020.
6. Considering the fact that the applicant is in jail since 05.09.2020 and the applicant has sworn an affidavit that he has not performed any other marriage and further considering the fact that the charge sheet has already been filed, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on executing a personal bond in 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 by the said Court.
8. The State is directed to send a copy of the affidavit to the complainant so that the applicant may not be allowed to take a different stand in any other round of litigation.

Sd/-
(Goutam Bhaduri)
Judge