(2018) 06 CHH CK 0186

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 3745 Of 2018

Tosen Kumar Dhirhe	APPELLANT

Vs

State Of Chhattisgarh	RESPONDENT

Date of Decision: June 27, 2018

Acts Referred:

- Indian Penal Code, 1860 - Section 376
- Code Of Criminal Procedure, 1973 - Section 439

Hon'ble Judges: Sharad Kumar Gupta, J

Bench: Single Bench

Advocate: V.C. Ottalwar, K. Tripti Rao

Final Decision: Allowed

Judgement

Sharad Kumar Gupta, J

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending

before any other court.

2. The applicant has been arrested in connection with Crime No. 63/2018 registered in police station Ambikapur, Distt. Sarguja (CG) for offence

punishable under Section 376 of the IPC.

3. Prosecution story in brief is that the prosecutrix is aged about 22 years and resident of Pratappur. Since back 2016, the applicant committed sexual

intercourse with the prosecutrix on the pretext of marriage. Thereafter he refused to marry her.

4. Perused the case diary.

5. In the copy of the case Vivran dated 18-6-2017 filed by the applicant, it has been mentioned by the prosecution that the applicant is her husband and

he will marry with the prosecutrix in accordance with cutsomary rites and rituals

6. Looking to the above facts and circumstances of the case, looking to the facts that there is no likelihood of the accused to abscond and tamper the

evidence, trial will take its own time, applicant is in custody since 10-4-2018, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the

applicant. Consequently, the application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs. 20,000/- along with

one personal bond of the like amount to the satisfaction of the Court concerned with the condition that he will appear before the concerned trial Court

at 11 AM as and when directed till trial, he be released on bail.

7. CC as per rules.