

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5713 of 2015

1. Sobhnath, S/O. Ramanand Gupta, Aged About 30 Years, R/O. Ward No. 5, Baylar Dafai, Khongapani, Police Station Jhagrakhand, Civil and Rev. Distt. Korea, Distt. Korea Chhattisgarh.

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station Jhagrakhand, Korea, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Anil Gulathi, Advocate
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/10/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.90/2015, registered at Police Station – Jhagrakhand, District Korea (C.G.) for the offence punishable under Section 376 (2), (अ) (5), 493 of Indian Penal Code and Section 3 (2-5), 3 (1-12) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.
2. Case of the prosecution, in brief, is that an FIR was lodged by the prosecutrix on 15.06.2015 alleging that the present applicant established physical relation on the pretext of marriage from 13.05.2015 to 03.06.2015. Thereafter on the report being lodged, the case was registered.

3. Learned counsel for the applicant would submit that at the time of the incident the prosecutrix was major. He would further submit that she was in relation with the applicant. He would further submit that the applicant has been falsely implicated in this case and no rape has been committed. Therefore, he prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact and the age of the prosecutrix and the nature of the offence and also taking into fact that the order of the trial court records that before the Court below, at the time of hearing of the bail application, prosecutrix has not opposed the bail and taking into the affidavit filed before this Court by victim and considering that the charge sheet has been filed, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge