

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4372 of 2017**

Sujeet Vyapari S/o Late Baijnath Vyapari Aged About 24 Years
Occupation Service (S.E.C.L. Tamnar) Caste Namu Shudra, R/o
Village Chathirma, Police Station Gandhinagar, Tahsil Ambikapur,
District Surguja, Chhattisgarh.

---- Petitioner**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

For the Petitioner	:	Shri Shakti Raj Sinha, Advocate.
For the Respondent/State	:	Shri Wasim Miyan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.10.2017**

1. Heard.
2. 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.65 of 2017, registered at Police Station – Ambikapur, District Surguja, Chhattisgarh for the offence punishable under Sections 376 and 506 of the Indian Penal Code.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The applicant is aged about 24 years whereas the prosecutrix is shown to be 30 years old. As alleged in the FIR by the prosecutrix, she had relationship with the applicant since four years prior to the lodging of FIR. It is stated that the prosecutrix submitted herself

to the sexual intercourse with the applicant on assurances being given by him that he will marry her. It is submitted that looking to the age of the applicant and the prosecutrix there is no possibility of giving any such assurance and that when the marriage of the applicant was fixed somewhere else it was on this occasion that this FIR has been lodged against him. Hence, it is prayed that the applicant be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix has made a direct allegation against the applicant. Hence, for this reason, there is no entitlement for grant of bail.

5. Heard counsel for both the parties and perused the case diary.

6. Considering the submissions and as per the contents of the case diary, I am of the considered view that this is a fit case for grant of bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge