

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6052 of 2017

- Saiyed Mujib Alias Bhuru S/o Saiyad Islam, Aged About 33 Years R/o Village Nawaparakhurd, Tahsil Sakti, Civil & Revenue District Janjgir Champa Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate, District Janjgir Champa Chhattisgarh

---- Respondent

For Applicant : Mr. Hari Agrawal, Advocate
For Respondent : Mr. Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/11/2017

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 in connection with Crime No. 179/2017, registered at Police Station- Sakti, District – Janjgir-Champa(C.G.) for the offence punishable under Sections 376, 506 & 417 of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case by the prosecutrix and he is in jail since 18.07.2017. In this case, prosecutrix was of age 23 years at the time of incident and it was with the consent of the prosecutrix that applicant had physical relationship with her and they had been living as husband

and wife, even a girl child has born to them, the parents of the prosecutrix have forced the prosecutrix to lodge false FIR against the applicant, therefore, he may be released on bail.

3. Learned State counsel opposes the prayer for grant of bail, however, he would submit that looking to the evidence on record against the applicant, he is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. As per the case against the applicant, he forcefully committed sexual intercourse with the prosecutrix some time in the year 2011, thereafter, he promised the prosecutrix that he would marry with her and then both started living together. Out of this relationship, one daughter was born on 23.3.2014, thereafter, due to dispute between the family of the applicant the prosecutrix has left the applicant and thereafter FIR has been recorded by the prosecutrix on 9.7.2017.
6. Considering the submissions made and the contents of the case diary, particular looking to the lapse of time in between the initiation of the date of incident and the subsequent events, therefore, I am of this view that this is a fit case where applicant should be enlarged on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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/-

(Rajendra Chandra Singh Samant)
Judge

Nisha