

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1411 of 2017

Pratap Kumar Netam S/o Makhan Ram Netam, Aged About
24 Years R/o Village Bargaon, Police Station Saja, District
Bemetara Chhattisgarh

---- Petitioner

Versus

State Of Chhattisgarh Through The Police Station Saja,
District Bemetara Chhattisgarh

---- Respondent

For the Petitioner : Shri Satish Chandra Verma,
Advocate.

For the Respondent/State : Shri Ashok Swarnakar, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23.10.2017

1. Heard on application under Section 439 of Cr.P.C.
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.410/2016 registered at Police Station - Saja, District- Bemetara, Chhattisgarh for the offence punishable under Sections 376, 506, 313 of the Indian Penal Code.

3. It is submitted by learned counsel for the applicant that applicant and prosecutrix had love affair between them two years prior to the date of lodging of FIR. As alleged the first incident of rape took-place on 11.08.2014 and thereafter, on various occasions prosecutrix submitted to sexual intercourse with applicant on his assurance that he will marry her. It is submitted that when prosecutrix became pregnant and applicant refused to marry her, it was the reason that FIR has been lodged against the applicant, it is submitted that applicant is innocent and he has been falsely implicated, hence, he is entitled to be enlarged on bail.
4. Learned counsel for the State opposes the application and the submission made. It is submitted that the applicant forced the prosecutrix to consume some drug / medicine to abort the child, as a result of that the pregnancy of prosecutrix got aborted and dead female child of 4 to 5 months was born on 07.11.2016 and subsequent to that FIR was lodged on 10.11.2016, hence, he is not entitled to be enlarged on bail.
5. I have heard the learned counsel for the parties and perused all the documents placed on record and the case diary.
6. Considering the facts and circumstances of this case specially the date of incident and lodging of FIR and other statements of the witnesses, for the reasons that the case is being tried before the Session Court, hence, it appears to be a fit case, in which the applicant should be enlarged on bail.

7. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his personal bond for a sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his appearance as and when directed.
8. C.C. as per rules.

Sd /-

(Rajendra Chandra Singh Samant)

Judge

Jamal