

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1738 of 2017

Virendra Kumar @ Virendra Pal, S/o. Late Indal Singh Gond, Aged About 20 Years, R/o. Nawapara, Police Station -Katghora, District -Korba Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station : Pali, District- Korba Chhattisgarh.

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent/State : Mr. Aadil Minhaz, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/06/2017

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.45/2017, registered at Police Station – Pali, District – Korba (C.G.) for the offence punishable under Section 376 of the Indian Penal Code.
2. As per the case of the prosecution, in brief, is that a report was made by the prosecutrix alleging that on the pretext of marriage from October, 2016, the applicant has committed sexual intercourse and thereafter, refused to marry her. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and the prosecutrix and the applicant were living together and the prosecutrix was major on the date and she was a consenting party. It is further submitted that the applicant is in jail since 23.02.2017, therefore, 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.
6. Perused the statement of the prosecutrix. It appears that the prosecutrix was major on the date of incident. Taking into the statement of the prosecutrix, without any further observation on merits, 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Vacation Judge