

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4416 of 2017**

Lalit Kumar Nag S/o Shrinath Nag, Aged About 24 Years R/o Village Kalgaon, Police Station Antagrah, District North Bastar Kanker Chhattisgarh.

---- Petitioner**Versus**

State Of Chhattisgarh Through The Police Station Narayanpur, District Narayanpur Chhattisgarh.

---- Respondent

For the Petitioner	:	Shri P.K. Tulsyan, Advocate.
For the Respondent/State	:	Shri Sumit Jhanwar, 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.15 of 2017, registered at Police Station – Narayanpur, District Narayanpur, Chhattisgarh for the offence punishable under Sections 376 and 417 of the Indian Penal Code.
3. Learned counsel for the applicant submits that the applicant is in jail since 3.3.2017 and the applicant has been falsely implicated in this case. The applicant and the prosecutrix had a previous love affair since April, 2014 up to 2016. In the meanwhile, the prosecutrix became pregnant and she asked the applicant to marry her because of which, the applicant stopped visiting and talking with her. Consequent to which, the FIR has been lodged. It is submitted that the prosecutrix had always been a consenting party.

Even if it is assumed that the applicant has cheated the prosecutrix for which the offence made out is under Section 417 of the IPC and the punishment provided is imprisonment for 1 year and this offence is bailable. Hence, for these reasons, it is prayed that the applicant be enlarged 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 applicant has sexually exploited the prosecutrix by giving her false assurance of marrying her and has performed marriage with some other girl and thus, the applicant committed fraud and sexually exploited the prosecutrix because of which he is not entitled for bail.

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

6. Considering the facts and circumstances of the case and in particular, the statement of the prosecutrix, 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