

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4509 of 2017

- Dinesh Shrivastava S/o Shri Ramkumar Shrivastava, Aged About 31 Years, R/o New Changorabhata, Post Office Raipur, Police Station D.D. Nagar, Raipur, Tahsil & District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Tikrapara, District Raipur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Shivendu Pandya, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

31-10-2017

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant was arrested on 11-06-2017 in connection with Crime No.262/2017 registered at P.S. Tikrapara, District Raipur, C.G. for the offence under Section 376 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant and the prosecutrix had love affair between them and they had been living in relationship since May, 2016 and they have physical relationship because of which the prosecutrix became pregnant and gave birth to a male child on 22-04-2017 at first. Thereafter, on account of some dispute between the applicant and the prosecutrix she has lodged a false report against the applicant, on the basis of which the offence has been registered. It is further submitted that the applicant and the prosecutrix have compromised and the information has been given by the prosecutrix to the Superintendent of Police, Raipur in this respect. Hence, it is prayed that the applicant may be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made in this respect and submits that the said letter of compromise is not annexed in the case diary and that the diary statements of the witnesses are against the applicant. Hence, he is not entitled for grant of bail.

4. Heard learned counsel for both the parties and perused the case diary.

5. As alleged in the FIR, the applicant assured the prosecutrix to marry her and then exploited her sexually, on account of which she became pregnant and gave birth to one male child and thereafter he refused to accept her and the child as his wife and child, because of which the FIR was lodged. Age of the prosecutrix is 26 years as shown in the case diary. Considering all the circumstances of this case, I am of the opinion that the applicant is entitled for grant of bail.

6. Consequently, the application (MCRC No.4509/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge