

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4619 of 2017**

Mohd. Maqsood S/o Shri Mohd. Maqbool, Aged About 35 Years
 Permanent R/o Quarter No. 43/30, Mother Teresa Nagar, Camp- 2,
 Bhilai Currently R/o At L.I.G.- 2, 19/26, Behind K.H. Memorial School
 Jawahar Nagar, Ward No. 14, Industrial Area Bhilai Tahsil & Dist. Durg
 Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Officer In- Charge, Police Station ST/
 SC Thana , Durg, District- Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri Arun Kochar, Advocate.
 For the Respondent/State : Shri U.K.S. Chandel, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.11.2017**

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.3 of 2017, registered at Police Station – ST/ SC Thana, Durg, District – Durg, Chhattisgarh for the offence punishable under Section 376 of the Indian Penal Code and Section 3(2)(5) (1) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case. In fact the applicant and the prosecutrix had a marital relationship since 10 years and had been

living together as husband and wife. As the applicant and the prosecutrix belonged to different communities, the in-laws of the applicant had grievance and were annoyed with this relationship. After lapse of 10 years, the prosecutrix was forcefully taken away by her parents and family members and a false report has been lodged against the applicant on 16.2.2017. Hence, it is prayed that the applicant may be benefited with grant of bail.

3. 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 and the prosecutrix had been living together and recognized by the Society as husband and wife, but no marriage was performed between them. The applicant has drove away the prosecutrix from the house, because of which FIR has been lodged and the case has been registered. Hence, it is prayed that the applicant is not entitled for grant of bail.

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

5. Considering the submissions made and as per the contents of the case diary, specifically the statement of the prosecutrix and other witnesses, I am of the considered view that this is a fit case for grant of bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. 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

Nimmi