

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5679 of 2017

Dheerpal Sethiya @ Deepak Sethiya S/o Jalandhar Sethiya, Aged
About 23 Years Caste Sundi, R/o Village Udiyapal Sundipara Chowki
Bakawand District Bastar, Chhattisgarh --- **Petitioner**

Versus

State Of Chhattisgarh Through P.S. Kotwali Jagdalpur, District Bastar,
Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Vikash Shrivastava, Advocate
For the Respondent	:	Mr. Suryakant Mishra, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29.11.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 165 of 2017 registered at Police Station Kotwali, Jagdalpur (C.G) for the offences punishable under Section 376 of IPC.
2. As per the prosecution case, on 14.4.2017 a report was lodged by the prosecutrix that on the pretext of marriage, the present applicant has committed forcible sexual intercourse, however, subsequently he refused to marry her.
3. Learned counsel for the applicant submits that the prosecutrix has sworn an affidavit that she is in love relations and she wanted to marry the applicant. It is further submitted that she has been examined before the Court below wherein she has not supported the case of prosecution. It is also submitted that the applicant is in jail since 19.04.2017, therefore, he may be enlarged on bail.
4. On the other hand, learned State Counsel opposes the bail

application. However, he is not able to dispute the fact that the prosecutrix has not supported the case of prosecutrix.

5. Considering the fact that the prosecutrix has not supported the case of prosecutrix, without any further observation on merits of the case, I am inclined to allow this bail application.
 6. Accordingly, this application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.
- C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**