

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7540 of 2017**

Mukesh Chandra Pujari @ Jimi S/o Tilak Chandra Pujari, Aged about 27 years, R/o Santoshi Ward Tah.:- Jagdalpur, Distt. Bastar (C.G.)

----Applicant**Versus**

State of Chhattigarh- through Police Station AJAK, District Bastar (C.G.).

---Respondent

For Applicant	:	Mr. Vikas Shrivastava, Advocate
For Respondent	:	Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****19/12/2017**

1. This is the first bail application filed under section 439 Cr.P.C for grant of regular bail to the applicant who has been arrested in connection with Crime No.06/2017 registered at police station- AJAK, District Bastar (C.G.) for the offence punishable under Section 376 of IPC.
2. Case of the prosecution in brief is that the applicant was committing sexual intercourse with the prosecutrix for about 2 years enticing her that he will marry her. When the prosecutrix told the applicant that she will disclose about the incident to her parents, the applicant agreed to marry her and when the prosecutrix after quarreling with her parents went to the house of the applicant he ousted her from his house.
3. Learned counsel appearing from the applicant submitted that the applicant is innocent. He has been falsely implicated in the case. The prosecutrix was a consenting party. The applicant never enticed to marry her. He is in custody since 01-09-2017. Therefore, he may be enlarged on bail.
4. Per contra, learned counsel appearing for the State opposed the prayer for grant of bail.

5. In her statement made under Section 164 CrPC, the prosecutrix has stated that the applicant was committing sexual intercourse with her since 2015. During this period, she conceived and aborted twice. She reported the incident only when the applicant refused to marry her.
6. Taking into consideration the above facts and circumstances of the case, I am inclined to release the applicant on bail.
7. Accordingly, the instant application for grant of bail is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.
8. Certified copy as per rules.

Sd/-
(Arvind Singh Chandel)
Winter Holiday Judge