

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 531 of 2018**

Jugesh Paikra S/o Sirmal Singh Paikra Aged About 32 Years R/o Village Kargikhurd, Police Station Pendra, District Bilaspur Chhattisgarh At Present Resident Of Village Chitalanka (Pandalpara), Police Station Dantewada, Tahsil Dantewada, District South Bastar Dantewada Chhattisgarh, District : Dantewada, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Dantewada District South Bastar Dantewada Chhattisgarh, District : Dantewada, Chhattisgarh.

---- Respondent

For the Applicants : Shri Goutam Khetrapal, Advocate.
For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****21.03.2018**

Heard.

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.122 of 2017, registered at Police Station – Dantewada, District – South Bastar, Dantewada, Chhattisgarh for the offence punishable under Section 376 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 24.10.2017 and has been falsely implicated in this case. The prosecutrix in this case is a major lady and she was major at the time the alleged incident is said to have taken place. The prosecutrix had been a consenting party throughout and the said fact is clear from the FIR and the

statement under Section 161 of the Cr.P.C. in this case. The applicant is ready to abide by all the conditions that may be imposed on him. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

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

5. According to the prosecution case between the year 2012 and May 2017, the applicant and the prosecutrix had a love affair between them and they had established physical relation on various occasions. It is stated by the prosecutrix that for about three times she became pregnant and her pregnancy was aborted as the applicant did not want any delivery of child. After May 2017, the communication between the applicant and the prosecutrix was interrupted then the prosecutrix came to know that the applicant had married somewhere else.

6. Considering the entire material of the charge-sheet and looking to the nature of allegations against this applicant, I am of the considered opinion that the applicant deserves to be released on bail.

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

8. It is directed that 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 trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi