

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 41 of 2018**

Ramprasad Markam, S/o. Buchchaiaya, Aged About 32 Years, R/o. Village Reddy, P. S. Gangalur, District Beejapur. Present Address Constable No. 41, P. S. Modakpal, District Beejapur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Police Station Beejapur, District Beejapur, Chhattisgarh.

---- Respondent

For Applicant : Mr. P.K. Tulsyan, Advocate

For Respondent/State : Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**08/03/2018**

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.117/2017, registered at Police Station – Beejapur, District – Beejapur (C.G.) for the offence punishable under Section 376 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Prosecutrix had knowledge that applicant is married even then she consensually established sexual relationship with this applicant since the year 2014,

which continued up to 2016. Thereafter, due to some dispute between them, prosecutrix has lodged false FIR against him. Applicant is in jail since 08.12.2017, therefore, it is prayed that, he may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the case of the prosecution, the applicant on the pretext of marriage, established physical relationship with the prosecutrix in the year 2014 and then both of them went to Bijapur and stayed there for some days and established physical relationship. The prosecutrix also lived for sometime in the house of this applicant along with the wife and daughter of the applicant, subsequent to that because of some ill treatment given by the applicant and his wife, she left the house of the applicant and went to her own house. Almost after a period of one year, FIR was lodged on 16.11.2017. Hence this case.
6. Considered the submissions made and the contents of the case diary. After considering the entire material present in the case diary and the nature of evidence, which is proposed to be brought against this applicant for his prosecution, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram