

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 53 of 2018**

Komal Sahu S/o Ramai Sahu, Aged About 32 Years R/o Village Ghatholi, Police Station And Tahsil Nawagarh, District Bemetara Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through S H O, Police Station- Nawagarh, District Bemetara Chhattisgarh.

---- Respondent

For the Applicant	:	Shri V.A. Goverdhan, Advocate.
For the Respondent/State	:	Shri Vivek Singhal, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.03.2018**

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.211 of 2017, registered at Police Station – Nawagarh, District - Bemetara, Chhattisgarh for the offence punishable under Sections 376 and 506-B of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 18.11.2017 and he has been falsely implicated in this case. Firstly, it is submitted that the prosecutrix had been major on the date of incident and she had been a consenting party in the physical relation that has taken place between the applicant and her. Secondly, it is submitted that in the MLC report dated 17.11.2017, it is shown that the prosecutrix had a pregnancy of about 8 months, whereas it is clearly alleged in the FIR which was lodged by

the prosecutrix and in her statement that the date of incident had been of May, 2017 i.e. about six months prior to her medical examination which shows that this applicant has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. Hence, it is prayed that the applicant be enlarged on bail.

3. Learned State counsel 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, it is alleged that on 24.5.2017 the applicant on pretext of marrying the prosecutrix established physical relation with her and thereafter, he had physical relation with the prosecutrix on various other occasions. It is alleged by the prosecutrix that she got pregnant because of the physical relation with this applicant and when she informed about the pregnancy to the applicant, he asked her to abort her pregnancy because of which, the FIR has been lodged.

6. Considering the material present in the case-diary, looking to the nature of the allegation made against the applicant and also the finding in the MLC report on examination of the prosecutrix herself, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of regular bail.

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

8. It is directed that the 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