

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 95 of 2018**

Sayed Mahfuz Ali S/o Sayed Sultan Aged About 32 Years R/o Moti Talabpara, Gurudwara Gali, Jagdalpur, District Bastar Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer Police Station Bodhghat District Bastar Chhattisgarh.

---- Respondent

For the Applicant : Shri Suryakant Mishra, Advocate.
For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****14.03.2018**

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.190 of 2017, registered at Police Station – Bodhghat, District - Bastar, Chhattisgarh for the offence punishable under Section 376 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. There is a delay of 8 years in lodging the FIR by the prosecutrix and according to the material present in this case, it appears that the prosecutrix was a consenting party and no case is made out against this applicant. 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. It is submitted that there is clear statement of the prosecutrix that she was raped by this applicant on the pretext that he will marry her. Hence, no case is made out for grant of regular bail to the applicant.

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

5. According to the prosecution case from 8 years prior to the date of lodging of FIR, on 19.6.2017 the applicant by promising to marry the prosecutrix established physical relationship with her against her will and thereafter, continued to exploit her sexually on various occasions during the period of eight years. Ultimately, the applicant refused to marry the prosecutrix, she lodged the FIR against this applicant.

6. Considering the entire material present in the case-diary, and the facts that the nature of allegation, 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

Nimmi