

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 207 of 2018**

- Jwala Singh S/o Mahendra Singh Gond, Aged About 20 Years, Caste Gond, R/o Village Bodemuda, P. S. Khadgawan, District Koriya Chhattisgarh , Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through S.H.O. Police Station Khadgawan, District Koriya Chhattisgarh , Chhattisgarh

**---- Non-applicant**

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For Applicant – Shri Pushkar Sinha, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

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

**Order on Board**

**22-02-2018**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 28-11-2017 in connection with Crime No.143/2017 registered at P.S. Khadgawan, District Koriya Chhattisgarh for the offence under Section 363, 366, 376(2)(N), 323 of the IPC & 4, 6 of the POCSO Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The prosecutrix is a major lady who had love affair with this applicant. Only for the reason that the applicant refused to marry her, she has lodged the false FIR against him. The applicant is in jail since 28-11-2017. He is ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submission. It is submitted that age of the prosecutrix on the date of incident was below 18 years. Hence, the applicant is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, the prosecutrix who was a minor girl, was allured by the applicant with promise to marry her, because of which, she eloped with him. Thereafter, the applicant by keeping the prosecutrix in different place in a rented house established physical relationship with her on various occasions, because of which, she got pregnant. The applicant was already married, because of which, he refused to marry or keep the prosecutrix with him. Hence, the FIR was lodged.
6. Considered the submissions made and the contents of the case diary.
7. On going through entire material present in the case diary and taking into consideration previous love affair between the applicant and the prosecutrix as stated by the witnesses in this case, I am of this view that the applicant should be benefited with grant of bail during pendency of the trial against him.
8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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 Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
**Judge**