

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 143 of 2018

- Om Prakash Nag S/o Mahendra Prasad Nag, Aged About 18 Years, R/o Village Putsura, P. S. Balrampur District Balrampur Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Balrampur District Balrampur Chhattisgarh , Chhattisgarh

---- Non-applicant

For Applicant – Shri A.N. Pandey, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-03-2018

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 15-09-2017 in connection with Crime No.126/2017 registered at P.S. Balrampur, District Balrampur, Chhattisgarh for the offence under Section 376(2-N) of the IPC.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated in this case. The age of the prosecutrix was 19 years and she was married woman when the incident took place. Looking to the prosecution case itself, it appears that the prosecutrix was a consenting party. It was when the applicant refused to have the prosecutrix as his wife, a false FIR has been lodged against this applicant. The applicant is in jail since 15-09-2017. Hence, it is prayed that the applicant may be released on bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that there is clear statement that on all of the occasions the applicant committed rape with the prosecutrix and further the prosecutrix was pregnant at the time of filing written complaint against this applicant. Hence, no

case is made out for grant of bail.

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

5. According to the prosecution case, the prosecutrix was driven out from the house of her husband on 20-01-2017, thereafter, this applicant allured the prosecutrix with promise to marry her and keeping her in his own house he committed rape with her. Thereafter, he continued forceful sexual relation with the prosecutrix for about 8 months and then he refused to have the prosecutrix as his wife, because of which, the FIR was lodged against him.

6. Considering the nature of allegation against this applicant and looking to the long period of cohabitation between the applicant and the prosecutrix, I am of this view that the applicant should be granted bail during pendency of the trial against him.

7. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge