

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 7603 of 2017**

Deepak Kumar Paikra S/o Shri Jagdish Paikra, Aged About 26 Years  
By Caste Kanwar, R/o Village Bhafauli, Police Station Dhaurpur, Tahsil  
Ambikapur, District Surguja Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through Station House Officer, Police Station  
Dhaurpur District Surguja Chhattisgarh.

**---- Respondent**


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For the Applicant : Shri Sushil Dubey, Advocate.  
For the Respondent/State : Shri Wasim Miyan, P.L.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****31.01.2018**

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. 48 of 2017, registered at Police Station Dhaurpur, District Surguja, Chhattisgarh for the offence punishable under Section 376 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 19.10.2017 and has been falsely implicated in this case. The applicant and the prosecutrix had a love affair since 6.8.2012. Both of them married on 25.5.2016 and they have sworn affidavits and notarized it. Thereafter, the prosecutrix left the applicant without any sufficient cause and lodged false

FIR against the applicant on 20.7.2017. On the basis of the material available in this case, no case is made out against the applicant. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that on the date of incident the prosecutrix was a minor girl. Hence, in this situation, offence of rape has been committed because of which, the applicant is not entitled for grant of bail.

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

5. According to the prosecution case, the applicant exploited the prosecutrix sexually from 6.8.2012 to 15.4.2017 on the pretext that he will marry her and thereafter, he refused to marry her because of which, the FIR has been lodged.

6. Considering the submissions made and the contents of the case diary, taking into consideration the facts of the case, I am of the considered opinion that the applicant deserves to be released on 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 her 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 her appearance as and when directed.

Sd/-

**(Rajendra Chandra Singh Samant)**  
Judge

Nimmi