

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 491 of 2018**

Baljeet Singh Maan @ Babloo S/o Shri Mukhteyar Singh Maan Aged About 35 Years R/o Village Satpata, Police Station Bishrampur Tahsil And District Surajpur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Its District Magistrate Surajpur By Police Station Incharge A J A K District Surajpur, Chhattisgarh.

---- Respondent

For the Applicants : Shri Suresh Kumar Pandey, Advocate.
For the Respondent/State : Shri Vijay Bahadur Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****21.03.2018**

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.18 of 2016, registered at Police Station – AJAK, District – Surajpur, Chhattisgarh for the offence punishable under Sections 294, 376, 493 and 506 of the Indian Penal Code and Section 3(2)(5) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that the applicant is in jail since 31.8.2017 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The applicant had an intention to marry the

prosecutrix since very beginning, but because of some misunderstanding she filed a complaint and on that basis, FIR was lodged against the applicant. The prosecutrix became pregnant and gave birth to a male child on 4.4.2017 and thereafter, both of them married on 2.5.2017 and they have sworn affidavits, which have been duly notarized. The documents that have been produced in proof of the marriage of the applicant and the prosecutrix show that the prosecutrix is major and also capable of giving consent. 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.

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

5. It is alleged that the applicant allured the prosecutrix by making false promise to marry her and fraudulently obtained her consent for having physical relation with her on account of which, the prosecutrix became pregnant. A written complaint was lodged on 18.11.2016 because the applicant kept stalling to perform marriage with the prosecutrix. Thereafter, the FIR was lodged by the prosecutrix on 11.12.2016.

6. Considering the entire material and looking to the developments that took place, and the fact that the marriage of the applicant and the prosecutrix had taken place and also the prosecutrix gave birth to a male child whose father's name is shown to be the applicant, 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 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