

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8000 of 2017

- Keshav Kumar Nande S/o Late Benudhar Nande, Aged About 24 Years
R/o Village Kalma, P. S. Chandrapur, District Janjgir Champa, Civil And
Revenue District Janjgir Champa Chhattisgarh , Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station Jute Mill Raigarh District
Raigarh Chhattisgarh , Chhattisgarh

---- Respondent

For Applicant : Mr. Ashutosh Mishra, Advocate.
For Respondent : Mr. N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

28/02/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.500/2017, registered at Police Station– Jute Mill, Raigarh, District– Raigarh(C.G.) for the offence punishable under Sections 376, 493 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 29.11.2017. Applicant and the prosecutrix had love affair and in relation since 22.3.2013 and were living together as husband and wife till 2016, thereafter, on account of some dispute the prosecutrix has left this applicant and lodged false FIR against him. Applicant is a local resident of District-Janjgir-Champa and he is ready to abide by all the conditions and directions, which may be imposed while granting bail to

him. Hence, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. No case is made out for grant of bail to this applicant.
4. Heard both the parties and perused the case diary.
5. According to the written complaint given by prosecutrix dated 25.8.2017, applicant on pretext of marrying her performed a fake marriage in a temple and, thereafter, both of them while residing together as husband and wife were having physical relationship. Whenever prosecutrix asked the applicant to perform the Court marriage, the applicant used to refuse for performance of such marriage. In the meanwhile, prosecutrix got pregnant in the year 2016 and gave birth to a male child. Subsequent to that the applicant has deserted the prosecutrix because of which she was compelled to file complaint against him.
6. Considered on the submissions made and the contents of the case diary and looking to the development of things that is taken place since long in the relationship in the applicant and the prosecutrix and prosecutrix is a major lady, I feel inclined to grant regular bail to the applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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

Nisha