

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.969 of 2018**

Bandhan Jagte, S/o Ramsagar Rambila, aged about 28 years, R/o Village Gowerdhanpur, P.S. Basantpur, District Balrampur – Ramanujganj, Chhattisgarh

---- Applicant**versus**

State of Chhattisgarh through Police Station Basantpur, District Balrampur - Ramanujganj, Chhattisgarh

---- Respondent

For Applicant	:	Shri A.K. Yadav, Advocate
For Respondent/State	:	Shri Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****5.4.2018**

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.109 of 2017 registered at Police Station Basantpur, District Balrampur – Ramanujganj for offence punishable under Sections 366, 376(2)(n), 342/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that the prosecutrix, aged about 23 years lodged a written complaint against the present Applicant and other co-accused alleging that earlier the Applicant had told her that he will forcibly marry her, but she had refused. On 4.6.2017, when the prosecutrix went to Wadrafnagar for filling up a form of Anganbadi Worker, at that time, her brother-in-law (co-accused) called her and met her at the bus-stand. Thereafter, the present Applicant and her brother-in-law took her on a

motorcycle to Ramanujganj. There, the Applicant took her to a lodge. She stayed along with him in the said lodge in the night. In the lodge, the Applicant committed rape with her in the night. Next day, he made her sign a stamp-paper in the Court. It is further alleged that later on also, the Applicant continued to visit her home and commit forcible sexual intercourse with her. When father and brother of the prosecutrix went to the house of the Applicant and tried to collect information about the Applicant, they came to know that the Applicant is already married. Thereafter, the report was lodged by the prosecutrix.

3. Learned Counsel appearing for the Applicant submits that the Applicant has been falsely implicated in the case. He is innocent. It is further submitted that the prosecutrix was a consenting party. First Information Report was lodged belatedly. The Applicant is in jail since 14.9.2017. Trial will take a long time. Therefore, he may be released on bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard Learned Counsel appearing for the parties and perused the entire case diary with due care.
6. Having regard to the facts and circumstances of the case, particularly, the facts that on the date of incident, the prosecutrix was a major girl aged about 23 years, she herself had stayed along with the Applicant in the lodge, the report was lodged by her after 3 months of the incident, the Applicant is in jail since 14.9.2017 and trial is likely to take some time, without further

commenting on merits of the case, I am inclined to release the Applicant on bail.

7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on furnishing a personal bond in the sum of Rs.10,000/- with one solvent surety in the like sum to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
JUDGE