

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1020 of 2018**

Nal Kumar, S/o. Dheeraj Ram, Aged About 30 Years, Caste -Chauk, R/o. Village -Goriya, Police Station -Narayanpur, District Jashpur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through -Station House Officer, Police Station-Narayanpur, District -Jashpur Chhattisgarh.

---- Respondent

For Applicant : Mr. Ashish Gupta, Advocate

For State/respondent : Mr. Aaditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**10/04/2018**

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.93/2017, registered at Police Station – Narayanpur, District – Jashpur (C.G.), for the offence punishable under Section 506, 376 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 02.01.2018. No case is made out against this applicant as the prosecutrix was a consenting party, who has lodged the false FIR against this applicant. Hence, prayed that the applicant may be

enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the first incident took place on 07.08.2017, when the applicant raped the prosecutrix and also threatened her with dire consequences, if she discloses about the incident to anybody. Subsequent to that on number of occasions, the applicant came to the house of the prosecutrix and forced her to submit under threat and thus has exploited her sexually. The prosecutrix became pregnant and when her pregnancy became visible, on enquiry of her parents, she disclosed about the incident. Hence, the FIR was lodged on 25.12.2017.
6. Considered on the submissions made and the contents of the case diary. The age of the prosecutrix in this case is about 21 years and it is a case in which the applicant had physical relationship with the prosecutrix on more than one occasions and the reasons for lodging the FIR is simply this that the prosecutrix became pregnant. Hence, taking into consideration all the facts and circumstances of the case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram