

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1317 of 2018**

Raj @ Kumar Singh Lodhi S/o Narbad Singh Aged About 25 Years R/o.-
Tikrapara, Bhagat Singh Chowk, Raipur, District- Raipur, Chhattisgarh,
District : Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, P.S. Tikrapara,
District-Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Girdhari Lal Verma, Advocate.
For the Respondent/State : Ms. K. Tripti Rao, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****18.04.2018**

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.413 of 2016, registered at Police Station – Tikrapara, Raipur, District – Raipur, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 25.1.2018 and has been falsely implicated in this case. The applicant and the prosecutrix had love affair and both of them married before the Marriage Registrar on 17.4.2017 in Jabalpur. Out of this wedlock, they had one child. It is submitted that the prosecutrix herself has filed this application for bail and the affidavit in support of the contents of the bail application. 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. According to prosecution case, this applicant abducted the minor prosecutrix and thereafter, had physical relation with her on number of occasions and at that time, the prosecutrix was minor throughout. After recovery of the prosecutrix from the custody of this applicant and on the basis of her statement, the case has been registered.
6. Considered the entire material present in the case-diary and also perused the documents present in this regard. Statement of marriage made in the application is supported by the statement of the prosecutrix on affidavit itself. Hence, it appears that the applicant is entitled for grant of regular bail in this case.
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