

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6413 of 2017**

Pawan Singh Patel S/o Satyendra Patel Aged About 19 Years Caste Kurmi, R/o Village Shivnandanpur, Shanti Nagar Police Station Vishrampur District Surajpur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer Police Station Ajak Surajpur, District Surguja Chhattisgarh.

---- Respondent

For the Applicant : Shri Shakti Raj Sinha, Advocate.
For the Respondent/State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.01.2018**

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. 56 of 2017, registered at Police Station AJAK, Surajpur, Chhattisgarh for the offence punishable under Sections 366 and 376 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 innocent and he has been falsely implicated in this case. On the date of incident, the prosecutrix in this case was major and already a married lady. The relationship between the applicant and the prosecutrix was taken place

on the basis of consent. Thereafter, a false FIR was registered against the applicant. The applicant is ready to abide by all the conditions imposed on him. 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. The case against the applicant is this that the applicant allured the prosecutrix with false promise of marrying her and he kept the prosecutrix in a house for a week and established physical relationship with her. Later on, he left the prosecutrix and never came back. On the enquiry of the prosecutrix, he stated that because they belong to different caste and community he cannot marry her. Hence, for these reasons, the FIR has been lodged against the applicant.

6. Considering the submissions and the contents of the case-diary, taking into consideration the facts and circumstances of this case, 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 the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one local 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

Nimmi