

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7297 of 2017**

Mandeep Kushwaha S/o Balkeshwar Mahato, Aged About 23 Years
R/o Village Madgarhi, Police Station Bhandariya, District Garhwa,
Jharkhand, At Present Jabarkhad, Police Station And District
Balrampur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
Balrampur, District Balrampur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Raghvendra Verma, Advocate.
For the Respondent/State	:	Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****02.01.2018**

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.82 of 2017, registered at Police Station – Balrampur, District – Balrampur, Chhattisgarh for the offence punishable under Section 376(2)(N) of the Indian Penal Code and Sections 3(2)(v) and 3(2)(v)(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that the applicant is in jail since 23.7.2017 and has been falsely implicated in this case. The prosecutrix in this case is aged about 22 years. The applicant had love affair

with the prosecutrix, on account of which there had been physical relationship between them based on consent. The reason for lodging of FIR is simply that the applicant has married to some other girl. After completion of investigation, the charge-sheet has been filed and on the basis of which, no case is made out against the applicant. 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. It is submitted that it is a case of long and continuous commission of offence, hence, for these reasons, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. The case against the applicant is that the prosecutrix met with the applicant and developed a love affair, thereafter, both of them started living in a rented house where both of them had physical relationship on various occasions. The prosecutrix lived with the applicant for about 10 months and she continuously asked him to marry her but the applicant kept stalling and then he has married to some other girl, thereafter, the FIR has been lodged and the case has been registered. After completion of investigation, the charge-sheet has been filed.

6. Considering the submissions and the contents of the case-diary and the fact that the applicant is a local resident and there is no difficulty in his availability during trial, I am of the view that after imposing some suitable

conditions the applicant is entitled for grant of 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge