

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7331 of 2017**

Shahabuddin, S/o. Abdul Gaffur, Aged About 42 Years, R/o. Uday Nagar Atal Colony, P. S. and District -Uttar Bastar Kanker, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station -Kanker, District -Kanker, Chhattisgarh

---- Respondent

For Applicant	: Mr. Akhtar Hussain, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**12/01/2018**

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.291/2017, registered at Police Station – Kanker, District – Kanker (C.G.) for the offence punishable under Section 457, 376 & 506 of Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix is about 31 years old lady and she has submitted herself for sexual intercourse willingly, no offence is made out on the basis of the material on record of the prosecution case, therefore, it is prayed that he may be released on regular 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 the statement given by the prosecutrix under Section 164 of Cr.P.C. is clear and categorical against the applicant, hence, he is not entitled for grant of bail.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. Brief facts of the case are that a complaint was lodged by the prosecutrix alleging in it that she is a divorcee and has four children. The applicant, who was her neighbour started visiting her and allured her with promise to marry and thus obtained her consent for physical relationship and continued to have physical relationship from January, 2017 to September, 2017, when the prosecutrix pressurized the applicant for performance of marriage, applicant deserted her, which is the reason for lodging FIR against the applicant.
6. Considered on the submissions made and the contents of the case diary. Taking into consideration all the facts and circumstances of this 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