

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1655 of 2018

- Falguni Chowdhary S/o Shri Lal Kumar Chowdhary Aged About 28 Years R/o- Village- Bandhapali (Pata), Post- Dolesara Tahsil- Tamnar, District- Raigarh, Chhattigarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station- Ajak, Raigarh, District- Raigarh, Chhattigarh., District : Raigarh, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Sanjay Agrawal, Advocate.
For Respondent/State	:	Mr. N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

30/04/2018

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.01/2018, registered at Police Station - AJAK, District – Raigarh (C.G.) for the offence punishable under Sections 376 & 493 of Indian Penal Code & 3(1) B(1) & 3 (2) (5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. Applicant is in jail since 12.2.2018. No case is made out against this applicant according to the material present in the case diary. FIR itself discloses that applicant and the prosecutrix had consensual relationship and the age of prosecutrix is

above 20 years. Hence, it is prayed that he be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. According to the case against the applicant is this that the prosecutrix is a member of Scheduled Castes. The applicant allured her with a promise to marry her and also performed a fake marriage in a temple and then both of them lived in a house for about two months and there the applicant developed physical relations with her. All of sudden the applicant left the prosecutrix and his whereabouts not known to her. Prosecutrix came searching for him and on finding the applicant, he refused to identify her and also thrashed her. Hence, FIR was lodged.
6. On perusal of the case diary and the diary statement of all the witnesses, it is clear that the arguments advanced on behalf of the applicant find support and it appears that applicant has a case to defend himself. For this reason, I feel inclined to grant regular bail to this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha