

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1757 of 2018**

Arvind Shrivastava S/o Shri Gajanand Shrivastava Aged About 32 Years R/o Village Ratanmahka, P. S. And Tahsil Kharsiya, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through S. H. O. , P. S. Janjgir Distt. Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh.

---- Respondent

For the Applicant : Shri Ravindra Sharma, Advocate.
For the Respondent/State : Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.04.2018**

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.70 of 2018, registered at Police Station Janjgir, District – Janjgir-Champa, Chhattisgarh for the offence punishable under Sections 376 and 315/ 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 5.2.2018 and has been falsely implicated in this case. The prosecutrix in this case had been a consenting party and she herself given consent for getting aborted the pregnancy. After completion of investigation, the charge-sheet has been filed. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. 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 the prosecutrix has given a clear statement under Section 164 of the Cr.P.C. against this applicant that he forcefully raped her and pressurized to abort her pregnancy.

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

5. According to the prosecution case, the negotiation for marriage of the applicant and the prosecutrix was going on and in between, the applicant met with the prosecutrix and without her consent and willingness he forcefully committed sexual intercourse with her and thereafter, on number of occasions by putting the prosecutrix under threat he had physical relation with her because of which, she became pregnant. On knowing about the pregnancy, the applicant again pressurized her in various manners because of which she got her pregnancy aborted and lastly, the applicant refused to marry her. Thereafter, the FIR was lodged.

6. Considered the contents of the case-diary. There is also a statement about some previous affair of the prosecutrix but it is stated by the prosecutrix that the applicant had knowledge of the previous affair. Taking into consideration the case against the applicant in totality, I am of the view that the applicant should be granted regular bail during the pendency of the trial.

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