

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1684 of 2018

- Ajit Kumar Nishad S/o Nidhi Nishad, Aged About 22 Years, Occupation- Labour, R/o- Village- Tadola, P.S. And Tahsil- Pussore, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, AJK, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Amit Sharma, Advocate.

For Non-applicant/State – Shri Vijay Bahadur Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-04-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 16-01-2018 in connection with Crime No.98/17 registered at P.S. - SHO, AJK, District- Raigarh, Chhattisgarh for the offence under Section 376 of the IPC and Section 3(I)(B)(I), 3(II)(V) of SC & ST Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 16-01-2018. No case is made out against him, according to the prosecution case. The prosecutrix is a major girl and she was a consenting party throughout as she has admitted in her statement under Section 164 of the Cr.P.C. that she has loved this applicant and she has lodged the FIR as this applicant refused to marry her. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application.

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

5. According to the prosecution case, about 1 and ½ years prior to the date

of lodging of the FIR on 06-06-2017 the applicant established physical relation with the prosecutrix on the pretext that he will marry her. The prosecutrix is a member of scheduled castes. Lastly, the applicant refused to marry the prosecutrix, because of which, she has lodged the FIR. Hence, this case.

6. After considering the material present in the case diary, I am of this view that this applicant should be granted regular bail.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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 surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge