

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1950 of 2018

Sukhnath Yadav, S/o Amar Singh, aged about 21 years, R/o Village- Madanpur, Irgawa (Tirgawa) Police Sahayata Kendra Madipur, P.S. Ambikapur, Distt. Surguja (C.G.).

---- Applicant

Versus

State of Chhattisgarh Through: The Station House Officer, (Police Chowki Madipur), P.S. Ambikapur, Distt. Surguja (C.G.).

---- Respondent

For Applicant	:	Mr. Jitendra Shrivastava, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

26/04/2018

1. The applicant has preferred first bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 110/2018 registered at Police Station- Police Chowki Madipur, P.S. Abmikapur (Surguja) (C.G.) for the offence punishable under Sections 363, 366, 376 (2) (ब) of IPC and Section 5 ब and 6 of the POSCO Act, 2012.
2. As per the prosecution story since last 5-6 years, the applicant used to commit sexual intercourse with the prosecutrix on the false promise of marriage and when she got pregnant, the applicant declined to perform marriage with her. On the basis of report lodged by the prosecutrix, police has registered the offence and the applicant was arrested.
3. Learned counsel appearing on behalf of the applicant submits that the prosecutrix is a major lady, there was love relation between them and

the alleged offence was committed before 5-6 years and there is inordinate delay in lodging the FIR. He further submits that he is in custody since 20/02/2018, charge sheet has been filed and the trial will likely to take some time, therefore, he may be released on bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the above facts and circumstances of the case, particularly, the fact that there was love relation between the applicant and the prosecutrix, there is delay in lodging the FIR, the applicant is in jail since 20/02/2018 and the trial is likely to take time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, MCRC. No.1950/2018 is allowed. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 10,000/- with one surety for the like amount to the satisfaction of the trial Court. Thereafter, he will appear before the Trial Court on each and every date given by the said Court.

Sd/-
Judge
Arvind Singh Chandel