

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C No. 1996 of 2018

- Mohammad Saddam Mansoori S/o Mohammad Riyaz Monsoori Aged About 25 Years Occupation Shop Keeper, Permanent R/o- Village Ramchandrapur, Police Station Ramchandrapur, District- Balrampur- Ramanujganj, Chhattisgarh. Presently R/o- Dhourpur, District- Surguja, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, P.S. Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Jitendra Shrivastava, Advocate.
For the Respondent/State	:	Shri Anant Bajpai, PL.
For the Objector	:	Shri A. K. Prasad, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08.05.2018.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 28/2018 registered at Police Station – Ambikapur, (Surguja) District –Sarguja, (C.G), for the offences under Section 376 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 12.01.2018. In this case the prosecutrix was a major girl of 22 years and she had been consenting party throughout, hence, case is made out for grant of bail.

3. Learned counsel for the State opposes the bail application and submitting that according to the statement of prosecutrix under Section 161 & 164 Cr.P.C, no case is made out for grant of bail.
4. Learned counsel for the Objector submits that it is a case in which the present applicant has obtained consent of minor prosecutrix by false promise to marry her, therefore, this is a clear cut case of offence of rape, hence, the application be rejected.
5. Heard counsel for both the parties and perused the case diary.
6. According to the prosecution case on 11.01.2018 FIR has been lodged by the prosecutrix, alleging that few years prior to lodging of FIR this applicant by alluring her with promise to marry her established physical relation with her on a number of occasions and subsequently, he refused to marry her. Hence, the FIR was lodged.
7. Considered on the submissions made and contents of the case diary. It is not denied that this applicant established physical relationship with the prosecutrix on number of occasions, hence, arguments submitted on behalf of the applicant cannot be brushed aside and it cannot be said that this applicant has not a case to defend, hence, for this reason, I am of the view that it is a fit case where the applicant is entitled for grant of bail.
8. 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 furnishing a personal bond for a 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

Jamal