

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2019 of 2018**

Omprakash Vaishnaw S/o Dinesh Vaishnaw Aged About 27 Years R/o- Village- Madwa Matiya, Chowki- Girowdhpuri Police Station- Gidhowri, District (Revenue And Civil)- Balodabazar- Bhatapara, Chhattisgarh. At Present- R/o- Sadwa Yadav, Civil Line Bhatgaon, Chowki- Bhatgaon, P.S.- Bilaigarh, District (Revenue And Civil)- Balodabazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhatapara, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Police Station- Chowki- Bhatgaon, P.S.- Bilaigarh, (Revenue And Civil)- Balodabazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhatapara, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sumit Jhawar, Advocate.
For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****01.05.2018**

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.83 of 2018, registered at Police Chowki Bhatgaon, Police Station Bilaigarh, District (Revenue & Civil) – Raipur, Chhattisgarh for the offence punishable under Section 376 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 18.2.2018 and has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. No case is made out against the applicant and presently, the case is before the trial

Court. 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.

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

5. According to the prosecution case, the incident took place on 3.1.2017 when the applicant made a false promise to marry the prosecutrix aged about 18 years and established physical relation with her. Thereafter, the applicant had physical relation with her on number of occasions. On 20.1.2018, the applicant refused to marry the prosecutrix and subsequent to that, FIR was lodged on 17.2.2018.

6. Considering the submissions and as per the contents of the case diary, I am of the considered view that this is a fit case for grant of bail to the applicant.

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