

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2427 of 2018

- Amrit Lal Rathiya S/o Dhaniram Rathiya, Aged About 30 Years, R/o Village Raikhmakhurd Sukwasopara, Tahsil And P.S. Dharamjaigarh, District Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh through the Station House Officer, Police Station Dharamjaigarh, District Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Manoj Kumar Jaiswal, Advocate.

For Non-applicant/State – Shri Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-05-2018

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 01-11-2017 in connection with Crime No.244/2017 registered at Police Station Dharamjaigarh, District Raigarh, Chhattisgarh for the offence under Section 376 of the IPC.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 01-11-2017. The prosecutrix in this case is of age 18 years and it is a clear case of consensual physical relationship, hence, no offence of rape is made out. 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 both the parties and perused the case diary.
5. As per the case, it is alleged that this applicant by assuring the prosecutrix with false promise to marry her established physical relation with her and exploited her sexually, because of which, she became pregnant and

subsequent to that when the applicant has denied to marry her, the FIR has been lodged.

6. After due consideration on the material present in the case diary, I am of this view that this is a fit case where the 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