

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2441 of 2018

- Mukesh Sinha @ Chotu S/o Vishnu Sinha, Aged About 25 Years, R/o- Chandmari Dipra Para Near Dokrabadi, Durg, P.S. Durg District- Durg, Civil And Revenue District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, P.S. Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicant – Shri S.K. Agrawal, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-05-2018

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 10-02-2018 in connection with Crime No.123/2018 registered at Police Station Durg, District- Durg, Chhattisgarh for the offence under Section 376, 506, 314 of the IPC and Section 6(ठ)/8 of Protection of Children from Sexual Offences Act 2012.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 10-02-2018. A false case has been registered against him. The applicant and the prosecutrix are in love affair with each other and they also intend to marry. Parents of both the applicant and the prosecutrix have jointly given affidavit, that as soon as the applicant is released from jail the marriage will be performed. 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. Vishnu Sinha is father of the applicant and Sonu Ram Sinha is father of the prosecutrix, both had jointly sworn an affidavit that they have negotiated the marriage of the applicant and the prosecutrix. The affidavit is filed along with the application. Both the deponents are present before this Court, who have made similar statement before this Court that they are ready to marry and father of the prosecutrix specifically mentions that the prosecutrix is presently a major girl and there is no hindrance in performing legal marriage.

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

7. Allegation against this applicant is this, that this applicant has raped the minor prosecutrix by putting her under threat and when she became pregnant, he forcefully got the pregnancy aborted. Hence, this case.

8. Considered on the material present in the case diary and also considered on the affidavit filed by the parents of the applicant and the prosecutrix and their statement before this Court. The technicalities of the case may be put on one side, for the reason that have been brought on record. Hence, for these reasons, I am of this view that this applicant should be released on regular bail during pendency of the trial against him.

9. 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.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge