

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2457 of 2018**

Mantu @ Montu Singh, S/o. Shri Shivbachan Singh Rajput, Aged About 27 Years, R/o.- Ward No. 19 Khariyar Road, P.S.- Jonk Khariyar Road, Civil and Revenue District- Nuapada (Orissa).

---- Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station- Komakhan, District- Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate

For State/respondent : Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**10/05/2018**

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.30/2018, registered at Police Station – Komakhan, District – Mahasamund (C.G.), for the offence punishable under Section 376, 452 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this. Applicant is in jail since 09.03.2018. No case is made out against the applicant on the basis of the material present in the case diary. In fact the the applicant and the prosecutrix had love affair and their physical relation was based on

consent. The trial of the case is likely to take sometime for its conclusion. Hence it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, on 24.02.2018 when the prosecutrix was alone in her house, this applicant forcefully entered into her house and then committed sexual intercourse with her without her consent and willingness. Hence this case.
6. Considered on the submissions made, the contents of the case diary and also perused the statement of the prosecutrix under Section 164 of Cr.P.C., which says altogether different story, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
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 local surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge