

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2985 of 2018

- Manoj Premi S/o Dujram Premi, Aged About 30 Years, R/o- Village- Jamgahan, Police Chowki- Bhatgaon, Police Station- Bilaigarh, District (Revenue And Civil)- Balodabazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhatapara, Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Shri Sumit Jhavar, Advocate.

For Non-applicant/State – Shri Majid Ali, Deputy Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28-05-2018

1. This is the first bail application filed under Section 439 of the Cr.P.C. before this Court for grant of regular bail to the applicant who has been arrested on 01-03-2018 in connection with Crime No.93/2018 registered at Police Chowki- Bhatgaon, Police Station- Bilaigarh, District - Balodabazar- Bhatapara, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC.

2. As per the prosecution case, a report was lodged by the prosecutrix that on 27-01-2018 she was subjected to forceful sexual intercourse without her consent by the applicant. It is also alleged that she married with the applicant in the year 2008 and thereafter out of the wedlock three children born. Subsequently, they got separated and the applicant again remarried and he was not allowing the children to meet with her mother, the prosecutrix. Thereafter, by extending threat and blackmailing to allow the children to meet with her mother, the rape was conducted.

3. Learned counsel for the applicant submits that the entire allegation is

frivolous and cannot be accepted as a whole. The Charge sheet has been filed and no further investigation is necessary. Statement of the witnesses would show that no offence has been made out against the applicant. He is in jail since 01-03-2018. Hence, the applicant may be enlarged on bail.

4. Learned counsel for the State/non-applicant opposes the application.

5. Heard learned counsel for the parties and perused the statement of the prosecutrix and the report of the incident.

6. It appears that the incident started from the year 2008 since the marriage of the applicant and the prosecutrix and three children were also born from the wedlock and thereafter they got separated. Looking to the nature of allegation against him, I am inclined to grant bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is hereby allowed.

8. 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.

Sd/-
(Goutam Bhaduri)
Vacation Judge