

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2992 of 2018**

Deepak Soni S/o Shri Devendra Kumar Soni Aged About 38 Years R/o Devki Nagar, Ward No. 07, Gandai P. S. And Tehsil Gandai, District Rajnandgaon Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The District Magistrate District Head Quarter Kabirdham Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh.

---- Respondent

For the Applicant : Shri Avinash Chand Sahu, Advocate.
For the Respondent/State : Ms. M. Asha, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.06.2018**

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.118 of 2018, registered at Police Station – Kawardha, District Kabirdham, 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 5.3.2018 and has been falsely implicated in this case. The prosecutrix is matured woman aged about 32 years. The relationship between the applicant and the prosecutrix was taken place on the basis of consent. A false FIR has been lodged only for the reason that the applicant refused to marry the prosecutrix. 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 applicant and the prosecutrix got acquainted in February, 2017. Thereafter, they developed love affair because of which, physical relationship established between them and the same continued for months; and ultimately when the applicant refused to marry the prosecutrix, then she has lodged FIR against him.
6. Considering the entire material present in the case-diary, I am of the opinion that the applicant deserves to be released on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on 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