

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3033 of 2018**

Nohar Sahu, S/o. Faguram Sahu, Aged About 27 Years, R/o. Nayapara, Gokulpur Ward, Dhamtari, Post Office And Police Station City Kotwali, Dhamtari, Tahsil and District Dhamtari Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station- City Kotwali, Dhamtari, District Dhamtari Chhattisgarh.

---- Respondent

For Applicant	: Mr. Shivendu Pandya, Advocate
For State/respondent	: Mr. Anant Bajpai P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**19/06/2018**

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.170/2018, registered at Police Station – City Kotwali, Dhamtari, District – Dhamtari (C.G.), for the offence punishable under Section 376, 450 & 506 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 case. Applicant is in jail since 27.03.2018. No case has been made out on the basis of the material present in the charge-sheet. Prosecutrix in this case is major girl, who submitted for physical relationship on her own free will. Only

for the reasons that this applicant refused to marry her, she has lodged false FIR against the applicant. 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. It is submitted that the prosecutrix has clearly stated that each and every physical relation with her was without her consent and willingness, therefore, it is prayed that the applicant may not be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, on 10.09.2017, when the prosecutrix was alone in her residence, the applicant forced his entry and committed the offence of rape with her by putting the prosecutrix under threat and also by alluring her with false promise to marry her and exploited her sexually on number of occasions up till 03.03.2017. Lastly, when the applicant refused to marry her, she has lodged FIR against the applicant.
6. Considered on the submissions made and the contents of the case diary. Considering the entire material present in the case diary and taking in to consideration the nature of allegation against this applicant also that the case is before the trial Court and trial of the case is likely to take sometime for its conclusion, 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 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

Balram