

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3067 of 2018

- Suman Nagesiya S/o Pani Ram, Aged About 26 Years, R/o Betra, P. S. Bagicha, Distt. Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Korandha, District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

----Non-applicant

For Applicant – Mr. Jitendra Shrivastava, Advocate.

For Non-applicant/State – Ms. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-07-2018

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 06-12-2017 in connection with Crime No.9/2017 registered at P.S. - Korandha, District Balrampur-Ramanujganj, Chhattisgarh for the offence under Section 376 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 06-12-2017. No case is made out against him. According to the prosecution case itself, the incident of rape that has taken place on 02-01-2015 and thereafter the relation of the applicant and the prosecutrix continued for about two years 3 months on consensual basis and then the FIR was lodged on 10-10-2017. Hence, no offence of rape is made out. Therefore, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix has made clear statement about commission of offence of rape. Hence, the applicant is not entitled for grant of bail.

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

5. As per the prosecution case, on 02-01-2015 when this applicant stayed in the house of the prosecutrix who is a major lady had physical relation with her by promising her that he will marry her and then this relation continued for more than two years and then the applicant refused to marry the prosecutrix and the FIR was lodged.

6. After consideration on the material present in the case diary, I am of this view that this is a fit case for grant of bail to the applicant.

7. 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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge