

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.3603 of 2018**

Manoj Baghel S/o Mangalram Baghel Aged About 21 Years R/o- Village Angakona, Katripara, P.S. Makdi, District- Kondagaon, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- The Police Station Makdi, District- Kondagaon, Chhattisgarh.

---- Non-Applicant

For Applicant:	Shri Raza Ali, Advocate.
For State/Non-Applicant:	Shri Vijay Bahadur Singh, Panel Lawyer.

Single Bench: Hon'ble Shri Sanjay Agrawal, J
Order On Board

02.07.2018

1. The Applicant has filed this application under Section 439 Code of Criminal Procedure for grant of regular bail as he is in custody since 09.09.2017 in connection with Crime No.46/2017 registered at Police Station – Makdi, District Kondagaon (CG) for the offence punishable under Section 376 IPC.
2. The case of the prosecution is that a written report has been lodged by the prosecutrix, wherein it was alleged that the Applicant has made physical relation with her upon the pretext of marriage but thereafter, refused to marry her. Based upon the said written report, offence has been registered against the Applicant.
3. Learned Counsel for the Applicant would submit that the Applicant has been falsely implicated in the instant case and that the prosecutrix admittedly, being a major, is a consenting party and therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposed the prayer for bail.

5. Having considered the facts and circumstances of the case, the nature of allegations, the fact that the age of the prosecutrix as depicted from the FIR, which is more than 19 years, that she is as consenting party and the fact that the Applicant is in jail since 09.09.2017, I am inclined to release the Applicant on bail. Accordingly, the bail application filed under Section 439 of the Cr.P.C is allowed and 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 trial Court for his appearance before it as and when directed.

Sd/-
(Sanjay Agrawal)
Judge

Priya