

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3914 of 2018**

Rakesh Sahu S/o S/o Late Sonuram Sahu, Aged About 36 Years R/o Rudri Basti, Bazar Chowk, Rudri, P. S. Rudri, Tahsil And District- Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through P. S. Rudri, District- Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Mahendra Dubey, Advocate.
For the Respondent/State	:	Shri Vinod Tekam, P.L.
For the Objector	:	Shri Amit Kumar Sahu, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****30.07.2018**

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. 37 of 2018, registered at Police Station Rudri, District Dhamtari, Chhattisgarh for the offence punishable under Sections 376, 323, 506 and 417 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 9.4.2018 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The prosecutrix is aged about 28 years and is a divorcee. The prosecutrix and the applicant had physical relation with each

other based on consent. It is also submitted that when the rumors came out that the applicant and the prosecutrix had married, the prosecutrix made a written complaint in police station Gurur that she is being defamed about having relation with the applicant. Report of the complaint has been submitted at police station Gurur on 18.2.2018. Later on, on 8.4.2018, the prosecutrix has lodged totally false FIR in police station Rudri. 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. It is submitted that the applicant by keeping the prosecutrix under the pretext that he will shortly marry her, exploited her sexually. It is an offence of rape, hence, he is not entitled for bail.

4. Learned counsel for the Objector has adopted the arguments submitted by the State counsel and submitted that no case is made out for grant of regular bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. The allegation against the applicant is that he is a married man and representing himself as a divorcee and that intended to marry the prosecutrix and then had physical relation with her. This continued for sometime and when the prosecutrix came to know about the factual situation, she has lodged the FIR against the applicant.

7. Considered the material present in the case-diary. The complaint made by the prosecutrix in P.S. Gurur was enquired and the report has been submitted by P.S. Gurur. According to which, the prosecutrix has denied about having physical relationship with the applicant on that date whereas, according to the prosecution case, the relation between both the applicant and the prosecutrix has started on 3.7.2017. After due consideration of all the material present in the case-diary, I am of the view that in this case the applicant deserves to be enlarged on bail.

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

9. It is directed that 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge