

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3925 of 2018

Rameshwar S/o Late Bharat Patel, aged about 27 years R/o Karaihapara Ratanpur, PS- Ratanpur, The-Kota, District- Bilaspur (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, Police Station Malkharoda, Civil & Revenue District, Janjgir-Champa (C.G.).

---- Respondent

For Applicant	:	Mr. Sarfaraz Khan, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

05/09/2018

1. The applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 112/2018 registered at Police Station- Malkharoda, Janjgir-Champa (C.G.) for the offence punishable under Sections 376 and 417 of the IPC.
2. As per prosecution story, the applicant and the prosecutrix (a girl aged about 25 years) want to get marry and in this regard, a ring ceremony was held on 30/04/2017. Their marriage was fixed to be held in the year 2018 in summer season. After the ring ceremony, the applicant used to come in the house of the complainant/prosecutrix. It was alleged that on 10/03/2018 and 11/03/2018, the applicant stayed in the house of the complainant/prosecutrix and by threatening, he made forcible physical relation with the prosecutrix. Later on, the applicant also demanded for dowry and when the demand could not be fulfilled,

the applicant refused to marry with the prosecutrix. On the basis of the written report submitted by the prosecutrix, police registered the crime. The applicant was arrested on 10/05/2018.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated. He further submits that due to ideological differences between both the family, the marriage could not be performed, and therefore, a forged complaint has been made to implicate the present applicant. He further submits that the applicant is in jail since 10/05/2018, charge-sheet has been filed and the trial will likely to take some time, therefore, the applicant may be released on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that the applicant is in custody since 10/05/2018, he has no known criminal antecedent, charge-sheet has already been filed and trial will likely to take some time, without further commenting on the merit of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge