

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3892 of 2018**

- Narsingh Kumar Verma S/o S/o Vishnu Prasad Verma, Aged About 29 Years R/o Ward No. 01, Palari, Police Station Palari, District- Baloda Bazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Of Police Sation- Palari District- Baloda Bazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

 For the applicant. : Mr. Anil Gulati, Advocate.
 For the respondent/State : Mr. Sanjeev Pandey, G.A.

Hon'ble Shri Justice Ram Prasanna Sharma
Order on Board

25-6-2018.

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail, who has been arrested on 9-4-2018 in connection with Crime No. 158 of 2018 registered at Police Station Palari, District Baloda Bazar – Bhatapara (CG) for the offence punishable under Section 376 of the IPC.
2. The case of the prosecution, in brief, is that present applicant committed sexual intercourse with the prosecutrix on the pretext of marriage and when she demanded to marry her, the applicant refused to marry her and thereby he committed the aforesaid offence.
3. Learned counsel appearing for the applicant would submit that the prosecutrix was major having 24 years of age at the time of incident, she was a consenting party and both have made physical relation frequently. She lodged report only when he married to some other girl. He would further submit that the applicant has been falsely implicated in this case, applicant is in jail since 9-4-2018 and no

further custodial interrogation of the present applicant is required by the prosecution, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the bail application.
5. Considering the fact that prosecutrix is a major girl and both applicant and prosecutrix have made physical relation frequently, and pre-trial detention of the applicant, I am of the considered opinion that *prima facie* it is a fit case where the applicant can be released on bail.
6. 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 local surety in the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules

Sd/-

(Ram Prasanna Sharma)
JUDGE

Raju