

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3969 of 2018

Ankit Patel S/o Anil Patel, aged about 21 years, Caste- Kunbi R/o Village- Parsdiha, Tahsil- Wadrafnagar, District- Balrampur- Ramanujganj (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through Police Chauki- Wadrafnagar, Police Station- Basantpur, District- Balrampur- Ramanujganj (C.G.)

---- Respondent

For Applicant	:	Mr. Akath Kumar Yadav, Advocate
For Respondent	:	Mr. Arvind Shukla, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

23/07/2018

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. 40/2018 registered at Police Chauki- Wadrafnagar (C.G.) for the offence punishable under Sections 376 (2)(n) and 417 of IPC.
2. As per prosecution story on 06/01/2018, the prosecutrix aged about 19 years of age lodged a report alleging that on the pretext of marriage, the applicant used to roam with the prosecutrix. It is also alleged that on 05/03/2018, the applicant took her to his village- Baidan (M.P.) and on the assurance of marriage, he committed sexual intercourse with her. On 14/03/2018, he took her to home at village- Bartikala and thereafter, the applicant is absconding. On the basis of the said report,

offence was registered and the applicant was arrested on 16/04/2018.

3. Learned counsel appearing on behalf of the applicant submits that the prosecutrix is a major lady. FIR has been lodged after the delay of three months. The prosecutrix herself had left her house. He further submits that the applicant is in custody since 16/04/2018, charge-sheet has been filed and the trial will likely to take some more time, therefore, he 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 above facts and circumstances of the case, particularly considering that the applicant is in custody since 16/04/2018, charge-sheet has been filed and the trial is likely to take some time, without further commenting on 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.25000/- with one local solvent surety in the like sum to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Sd/-
Judge
Arvind Singh Chandel