

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4214 of 2018**

- Vinod Prajapati S/o Hari Prasad Prajapati Aged About 22 Years R/o Ward No. 18, Shanti Nagar, Village Panchayat Bangawa, Rajnagar, Post Rajnagar, Tahsil Kotma, District Anuppur Madhya Pradesh, District : Anuppur, Madhya Pradesh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Marwahi District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondent

For Applicants	: Mr. Sudhir Bajpai, Advocate
For State/respondent	: Mrs. Smita Ghai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****16/07/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.400/2018, registered at Police Station-Marwahi, District-Bilaspur(C.G.) for the offence punishable under Section 376 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out

against him. The prosecutrix is 24 years old and she was a consenting party. The allegation regarding preparation of video footage is totally false and the prosecutrix had even compromised with this applicant but later on, has opted to continue with the case. Hence, it is prayed that applicant be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the submission made in this respect. It is submitted that subsequent to lodging of FIR there had been a compromise between applicant and prosecutrix but for the reason that this applicant had refused to marry the prosecutrix, therefore, a written information was given by the prosecutrix to the police. Hence, looking to conduct of the applicant, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, this applicant had established physical relation with prosecutrix about four years prior to lodging of FIR i.e. on 26.4.2018, alluring the prosecutrix to perform marriage with her. It is alleged that this applicant prepared a video footage and he used to threaten the prosecutrix to get her submissions to his wishes. Later on the applicant did not marry with the prosecutrix, hence, FIR was lodged.
6. After considering all the material available in the case diary, I am of this opinion that this is a fit case where applicant should be released on regular bail during the pendency of case against him.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that 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 as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha