

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4503 of 2018

- Omnarayan Mahar S/o Keshram Raipuriha, Aged About 20 Years, R/o- Village Parsuli, Outpost Kanwar, Police Station Gurur, District- Balod, Chhattisgarh., District : Balod, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station Gurur, District- Balod, Chhattisgarh., District : Balod, Chhattisgarh

----Non-applicant

For Applicant – Shri T.K. Jha, Advocate.

For Non-applicant/State – Ms. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-07-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 09-02-2018 in connection with Crime No.33/2018 registered at P.S. - Gurur, Distt. Balod, Chhattisgarh for the offence under Section 450, 366, 342, 506-II, 376(2)(I)(N) of the IPC and Section 5(२)/6 of Protection of Children from Sexual Offences Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 09-02-2018. The prosecutrix had been major on the date of incident and also she had been a consenting party. As the prosecutrix belongs to another caste, relation between the applicant and the prosecutrix was not accepted by the family members of both of them, hence, a false FIR has been lodged against the applicant. Hence, it is prayed that the applicant may be released on regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that there is clear evidence regarding commission of offences alleged against the applicant. Hence, he is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, the prosecutrix is presently of age about 17 years, she and the applicant got acquainted in the year 2016 and thereafter, both of them had physical relation on a number of occasions. The FIR has been lodged on 07-02-2018 and on that basis the case has been registered against this applicant.

6. Considered on the material present in the case diary. Some of the documents have been produced along with the application, which show that the applicant and the prosecutrix had love affair between them. Considering this fact that trial against this applicant is likely to take some time before its conclusion, he is in jail since more than 5 months, I am of this opinion that the application filed by the applicant for grant of regular bail deserves to be allowed.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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 surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge