

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 4733 of 2018**

Vikash Soni S/o Buddhulal Soni, Aged About 25 Years R/o Ward No. 18, Civil Lines, Manendragarh, District Korea Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through Station House Officer Police Of Police Station Manendragarh, District Korea Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh.

**---- Respondent**


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For the Applicant : Shri Anil Gulati, Advocate.  
For the Respondent/State : Shri Vinod Tekam, P.L.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****24.07.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 91 of 2018, registered at Police Station Manendragarh, District Korea, Chhattisgarh for the offence punishable under Section 376(2)(dha) of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 15.3.2018 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The prosecutrix in this case is a major lady and she had been a consenting party. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State oppose the bail application and the submissions made in this respect.
4. Heard counsel for both the parties and perused the case diary.
5. According to the prosecution case, affair of the applicant and the prosecutrix started in June 2017. The applicant had physical relation with the prosecutrix on number of occasions, because of which she became pregnant and lastly, the applicant refused to marry her. Thereafter, the FIR was lodged on 13.3.2018.
6. After considering all the material present in the case-diary, I am of the considered opinion that the applicant deserves to be released on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

**Sd/-**

**(Rajendra Chandra Singh Samant)**  
Judge