

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4734 of 2018**

Ashish Sukhdeve, S/o. Shyam Sukhdeve, Aged About 20 Years, R/o. Bhilai, Khurshipar, Baba Balak Nath Mandir, Near Jaitkhumb, Zone-2, Sector-11, Police Station Khurshipar, Bhilai, District Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, P.S. Ghumka, Civil And Revenue District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. R.K. Bhagat, Advocate
For Respondent : Mr. Neeraj Mehta, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****02/08/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.03/2018, registered at Police Station- Ghumka, District – Rajnandgaon (C.G.) for the offence punishable under Section 366, 376, 506 and 450 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 14.01.2018. No case is made out against him according to the material present in the charge-sheet. The prosecutrix is a major lady and the relation with the applicant is based on consent. Hence, it is prayed that the applicant may be enlarged on bail.
3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.

4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. The allegation against this applicant is this that on the date of incident i.e. on 10.07.2017, he committed house trespass in the residence of the prosecutrix and then committed the offence of rape with her. Later on, on 23.08.2017, the applicant on the pretext of marrying the prosecutrix abducted her from her house and by keeping her in his own house, continued to have physical relation for about three months and then has driven her out from his house. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and further taking into consideration the facts and circumstances of the case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge