

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5001 of 2018**

Lalit Raj Mourya S/o Omprakash Mourya, aged about 26 years R/o Matadevalay Ward, Bhatapara, Police Station Bhatapara (Shahar), District Baloda Bazar (C.G.).

--- Applicant**Versus**

State of Chhattisgarh, through Police Station Bhatapara (Shahar), District Baloda Bazar-Bhatapara (C.G.).

---- Respondent

For Applicant	:	Mr. Dheerendra Pandey, Advocate
For Respondent	:	Mr. Adil Minhaj, PL
For Objector	:	Mr. Hemant Gupta, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**12/12/2018**

1. Heard on I.A. No. 01/2018 for withdrawal of memo of appearance filed by Mr. Manoj Paranjpe, Advocate and his associates.
2. For the reasons mentioned in the application, the same is allowed.
3. Mr. Manoj Paranjpe and his associates are permitted to withdraw their memo of appearance filed on behalf of the Applicant.
4. 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. 89/2018 registered at Police Station Bhatapara (Shahar), District Baloda-Bazar Bhatapara (C.G.) for the offence punishable under Sections 376, 294, 506, 377 & 384 read with Section 34 of the IPC.
5. In this case, the Prosecutrix is a girl aged about 27 years. On 26/03/2018, a report was made by the Complainant/Prosecutrix

against the Applicant and his father stating therein that the Applicant had committed sexual intercourse with her on the pretext of marriage. He also abused her and threatened her. It was further alleged that the Applicant was having love affair with the Prosecutrix and they known to each other through Facebook. On 06/09/2017, the Applicant called the Prosecutrix at Bhatapaa City Mall and took her to a constructed area near Laxmi Narayan Mandir, where he committed rape with her and caused injury in her vital organ of the body. It was further alleged that the Applicant used to blackmail her. On the basis of above report, offence has been registered. The Applicant has been taken into custody on 07/05/2018.

6. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated. The Prosecutrix is a matured lady aged about 27 years. From the evidence collected by the prosecution, it seems that she was the consenting party. He further submits that the incident happened on 06/09/2017 and FIR has been lodged after delay of 6 months i.e. on 26/03/2018. Moreover, MLC report of the Prosecutrix does not suggest any sign of rape or unnatural sex. Also, there was no sign of assault. He further submits that there is no medical report available on record, which shows that the Prosecutrix was admitted in the hospital due to injuries caused by the Applicant on her vital part. He further submits that the Applicant is in custody since 07/05/2018, charge-sheet has been filed and trial will take time, therefore, he may be released on bail.
7. Counsel for the Objector opposes the bail application.
8. Counsel appearing on behalf of the State also opposes the bail

application.

9. I have heard learned counsel for both the parties.
10. Considering the entire facts and circumstances of the case, particularly considering the evidence collected by the prosecution, without further commenting on merit of the case, I am inclined to release the Applicant on bail.
11. Accordingly, the bail application is allowed.
12. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul