

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4838 of 2018**

Arun Kumar Thakur S/o Ajay Kumar Thakur Aged About 28 Years By Caste Barber, R/o Shantinagar, Pratappur, P. S. Pratappur, District Surajpur Chhattiagarh, District : Surajpur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through P.S. Pratappur, District Surajpur Chhattiagarh, District : Surajpur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sushil Dubey, Advocate.
For the Respondent/State : Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****03.08.2018**

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. 50 of 2018, registered at Police Station Pratappur, District Surajpur, Chhattisgarh for the offence punishable under Section 376 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 2.5.2018 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 applicant and the prosecutrix had love affair and the prosecutrix is a major girl aged about 22 years. After passing of

more than two years, she lodged FIR only for the reason that the applicant has refused to marry her. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

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

5. The case against the applicant is that the applicant allured the prosecutrix and then both started residing in Pratappur in a rented house. They lived for more than two years in that place and during this period the applicant established physical relation with the prosecutrix on number of occasions and thus, he exploited her sexually and ultimately when the applicant refused to marry the prosecutrix, she lodged FIR against him.

6. After considering all the material present in the case-diary, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of regular 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

Nimmi