

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4904 of 2018**

- Prakash Shrivastav S/o Indradev Shrivastav Aged About 28 Years R/o Sargipal Para, Kondagaon, District- Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh

----Applicant**Versus**

- State Of Chhattisgarh Through- Police Station- Kondagaon, District- Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Respondent

For Applicant	: Mr. Shobhit Koshta, Advocate
For State/respondent	: Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****01/08/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.153/2018, registered at Police-Station-Kondagaon, District-Kondagaon(C.G.) for the offence punishable under Sections 376, 323 & 294 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against him. The prosecutrix in this case is aged about 36 years and

she and the applicant had physical relation based on consent, hence, it is prayed that he may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that prosecutrix has given statement under Section 161 of CrPC directly against the applicant and that the matter is under investigation, hence, applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The allegation against this applicant is this, that he had physical relation with the prosecutrix starting from 28.3.2011 to 3.4.2018, on pretext that he will marry her and ultimately the applicant refused to marry the prosecutrix, the FIR has been lodged. Hence, this case.
6. After considering on all the material present in the case diary and the trial against him is likely to take some time before its conclusion. For this reason, I am of this view that this is a fit case where the applicant should be released on bail during the pendency of the case against him.
7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed. It is directed that applicants 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 trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge