

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C. No. 5023 of 2018**

Dilesh Das, S/o. Shri Shatrudas, Aged About 20 Years, R/o. Village - Askala,  
Thana And Tahsil - Lundra, Civil and Revenue District Surguja Chhattisgarh.

**---- Applicant**

**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station AJAK  
Ambikapur, Civil And Revenue District Surguja Chhattisgarh.

**---- Respondent**

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| For Applicants | : | Mr. Sunil Sahu, Advocate           |
| For Respondent | : | Mr. Anil S. Pandey, Govt. Advocate |

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

**Order On Board**

**07/08/2018**

1. This is the first bail applications 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.07/2018, registered at Police Station- AJAK, Ambikapur, District – Surguja (C.G.) for the offence punishable under Section 376 (2) (ब), 315, 417 of the Indian Penal Code and Section 3 (2-5) & 3 (2) (5-A) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 12.03.2018. No case is made out against him according to the material present in the charge-sheet. The prosecutrix is a girl aged about 21 years and she was a consenting party. She has lodged false FIR only for the reason that this applicant has refused to marry her. 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. It is submitted that no case is made out for grant of bail looking to the statement given by the prosecutrix under Section 161 of Cr.P.C.. Hence, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. The case against the applicant is this that the prosecutrix was already married in the meanwhile, this applicant allured the prosecutrix with false promise to marry her and called her to his place where both of them had physical relation on number of occasions, because of which the prosecutrix became pregnant, the applicant forced the prosecutrix to get the pregnancy aborted. Later on, he refused to marry her for the reasons that prosecutrix belongs to scheduled tribe. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After due consideration on all 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