

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5142 of 2018

- Vijay Nishad S/o Late Ramnath Nishad Aged About 24 Years R/o Village Kunjemura, Police Station Tamnar, Tahsil- Tamnar District- Raigarh, Chhattisgarh....(In Jail), District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Tamnar, Tehsil- Tamnar, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Vaibhav P. Shukla, Advocate.
For Respondent	:	Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

13/08/2018

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.101/2018 registered at Police Station– Tamnar, District– Raigarh(C.G.) for the offence punishable under Section 376 of Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 2.5.2018. No case is made out against him. Prosecutrix is a major girl of age 22 years both of them had consensual physical relation between them. Hence, it is prayed that applicant be enlarged on

regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. The case against this that applicant performed a fake marriage with prosecutrix and thereafter had physical relation with her on number of occasions because of which she became pregnant. As the prosecutrix has refused to abort the pregnancy because of which the applicant has refused to keep her as his wife, hence, the FIR has been lodged.
6. Considered on the entire material present in the case diary, I am of this view that this is a fit case where applicant should be released on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge