

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5298 of 2018

- Raki Shrivastava S/o Arjun Shrivastava, Aged About 28 Years, R/o Masanganj, Behind House of Doctor Shukla, Police Station Civil Line, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Civil Line, Civil And Revenue District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

----Non-applicant

For Applicant – Shri Ahmad Hussain, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-08-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 05-04-2018 in connection with Crime No.132/2018 registered at P.S. - Civil Line, Civil And Revenue District Bilaspur, Chhattisgarh for the offence under 363, 366, 376 of the IPC and Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 05-04-2018. No case is made out against him. The prosecutrix is major of age 19 years. The prosecutrix and the applicant had love affair and both had married each other. Hence, it is prayed that the applicant may be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. The case against the applicant is this, that he and the prosecutrix of age about 17 years had love affair and physical relation from December, 2017.

Subsequent to that, it is alleged that the applicant abducted the minor prosecutrix and performed a fake marriage in a temple and continued physical relation with her. Mother of the prosecutrix lodged the FIR, on the basis of which the case has been registered against the applicant.

6. After due considering on the material present in the case diary, I feel inclined to grant regular bail to this applicant.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge