

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5376 of 2018

- Dharmendra Singh S/o Srinath Singh, Aged About 29 Years, R/o Hanuman Dafai, Kotma Colliery, P.S. Bhalu Mada, Dist. Anuppur M.P., District : Anuppur, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Ambikapur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

----Non-applicant

For Applicant – Shri Jitendra Shrivastava, Advocate.

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

Shri Vinod Tekam, Advocate for the complainant.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-08-2018

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 04-04-2018 in connection with Crime No.183/2018 registered at P.S. - Ambikapur, District Surguja, Chhattisgarh for the offence under Section 376 (2) (३) of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 04-04-2018. No case is made out against him. The fact is this, that the applicant and the prosecutrix had love affair and because of some dispute the prosecutrix has lodged the false FIR against this applicant. The prosecutrix herself appeared before the Sessions Court to express her no objection for grant of bail, which is mentioned in the order passed by the Court below. The prosecutrix herself has filed an affidavit in support of this application for grant of bail. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application.

4. Shri Tekam, counsel for the complainant makes statement on behalf of the complainant that she has no objection if the applicant is granted bail.
5. Heard learned counsel for the parties and perused the case diary.
6. The case against the applicant is this, that this applicant exploited the prosecutrix sexually after making false promise to marry with her and subsequently the applicant married some other girl. Hence, the FIR has been lodged in this case.
7. After considering on the material present in the case diary and also considering the statement made on behalf of the prosecutrix that she has no objection in granting bail to this applicant, I am of this view that this applicant should be granted regular bail.
8. 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.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge