

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5582 of 2018

Pritosh Kumar Das, aged about 30 years S/o Shri Prabhu Das R/o Akash Nagar, Rajiv Gandhi Ward, Jagdalpur, Bastar (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through Police Station- Bodhghat, Jagdalpur, Bastar (C.G.).

---- Respondent

For Applicant	:	Mr. Manish Nigam, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

29/08/2018

1. The applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 99/2018 registered at Police Station- Bodhghat, Jagdalpur, Bastar (C.G.) for the offence punishable under Sections 376, 493 and 313 of the IPC.
2. As per prosecution story, the complainant is a lady aged about 26 years working as Sub-Inspector in Chhattisgarh Police and posted at the office of Superintendent of Police, Jagdalpur. On 02/04/2018, the complainant submitted a written complaint stating therein that she was having love affair with the applicant since 2014. It has been further stated that in the year 2015, the applicant called her to his house for finalizing their marriage, where he wore the Mangalsutra and Ring to her in front of God and thereafter committed sexual intercourse with her. After some time, she got pregnant which she informed to the

present applicant and insisted him for marriage. The applicant, then got aborted the pregnancy of her and thereafter refused to marry with her. On the basis of said report, offence was registered and the applicant was taken into custody on 04/04/2018.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that as reported by the complainant herself, there was love relation between both of them. She is a major lady, aged about 26 years and working as Sub-Inspector in the police Department. She was the consenting party for the alleged act with the applicant. He further submits that from the evidence collected by the prosecution, no offence is made out against the present applicant. The applicant is in custody since 04/04/2018, charge-sheet has been filed and the trial will likely to take some time, therefore, the applicant may be released on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering the fact that the prosecutrix is a major lady and she had love affairs with the present applicant, further considering that the applicant is in custody since 04/04/2018 and charge-sheet has been filed, without further commenting on merit of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a

personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court. Thereafter, he will appear before the Trial Court on each and every date given by the said Court.

Sd/-

(Arvind Singh Chandel)
Judge

Rahul