

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5603 of 2018

Shivmurthy Naidu, aged about 34 years S/o Late Shri Rammurthy Nilangi Naidu, R/o Ward No. 12, Stationpara, Near Bhumika Medical Store, Rajnandgaon, (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through P.S. Kotwali, Rajnandgaon (C.G.).

---- Respondent

For Applicant	:	Mr. P.K.C. Tiwari, Senior Advocate along with Mr. Shashi Bhusan Tiwari, 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. 337/2018 registered at Police Station- Kotwali, Rajnandgaon (C.G.) for the offence punishable under Section 376 of the IPC.
2. As per prosecution story, the prosecutrix is a married lady aged about 30 years who got socially divorced from her husband, residing at Rajnandgaon and working as computer operator with one IB group. The applicant is also working with one IT department. On 27/06/2018, a written report was lodged by the prosecutrix alleging therein that she and the applicant used to like each other and on the pretext of marriage offered by the applicant, she was living with the applicant since 20/06/2018. It is also alleged that during that period, the

applicant committed sexual intercourse with her and later on, he refused to marry with her. On the basis of said report, offence was registered and the applicant was taken into custody 29/06/2018.

3. Learned Senior Advocate appearing on behalf of the applicant submits that the applicant is innocent. He has been falsely implicated in the present case. He further submits that there is nothing on record on the basis of which any offence is made out against the applicant. He is in custody since 29/06/2018 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 and the evidence collected by the prosecution and further considering the age of the prosecutrix and the allegation leveled by her against the present applicant, 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