

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6376 of 2018

- Ramcharan S/o Late Nohar Sai Aged About 45 Years Cate- Rajwar, R/o- Chandarpur (Kothari) Amapara Chowki Khadgavan, P.S.- Pratappur, District- Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- P.S.- Anusuchit Jati Kalyan, Surajpur, District- Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Respondent

For Applicant	: Shri D.N.Prajapati, Advocate
For Respondent/State	: Shri Neeraj Mehta, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

26/09/2018

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No.05/2018 registered at police station Anusuchit Jaati Kalyan, District Surajpur (CG) for the offence punishable under Sections 376,493,506-B IPC and Section 3(2)(v) of the SC/.ST (Prevention of Atrocities) Act..

As per prosecution case, a report was lodged by the prosecutrix alleging that she is a widow and was having relation with the applicant since 10 years on the pretext that he will marry her but he denied to marry. It is stated that the applicant had refused to marry her report has been lodged against the applicant.

Counsel for the applicant submits that the prosecutrix was a

consenting party and the report was also lodged after an inordinate delay of 10 years. He further submits that the applicant is in jail since 23.06.18 and the trial will take time for final disposal and therefore he may be released on bail.

On the other hand, learned counsel for the State opposes the bail application.

Considering the totality of the facts and circumstances of the case, in particular the nature of allegations against the applicant, I am inclined to release him on bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond of Rs. 20,000/- with one surety in the like sum to the satisfaction of the concerned court for his appearance before it as and when directed, he shall be released on bail.

Sd/-
(Rajani Dubey)
Judge