

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6302 of 2018

- Mohan Baghel S/o Mandev Baghel Aged About 26 Years Caste- Dhurwa, R/o- Village- Chote Kawali, P.S. Parpa, Frezarpur, Tahsil- Jagdalpur, District- Bastar, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- P.S. Parpa, District- Bastar, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Respondent

For Applicant	:	Shri Vikas Shrivastava, Advocate
For Respondent/State	:	Shri Vivek Sharma, G.A

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.119/2011 registered at police station Parpa, District Bastar (CG) for the offence punishable under Sections 376 & 493 IPC.

As per prosecution case, FIR was lodged by the prosecutrix against the applicant that she was working as a labour and on 7.6.2010, at about 8.00 p.m. applicant came to her house and promised her for marriage and committed sexual intercourse with her. Further case of the prosecution is that the applicant kept her as his wife for one month and when she got pregnant, applicant allured with another girl. She informed about the incident to her father and Sarpanch of the village, Kowar and then report was lodged against the applicant under Sections 376 & 493 IPC.

Counsel for the applicant submits that the applicant has been falsely implicated and in the Court, the prosecutrix as well as her parents did not support the prosecution case. He further submits that even if the case is taken as it is, offence under Section 493 IPC is not made against the applicant. He submits that the applicant is in jail since 29.01.18 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