

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7296 of 2018**

- Sonu Mahobiya, S/o Santosh Mahobiya, aged about 22 years, R/o Ward No. 10, Nayapara, District- Durg, (C.G.).

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station- Aajak Dhamdha, Civil and Revenue District- Durg, (C.G.).

---- Respondent

For Applicant	: Shri Jitendra Gupta, Advocate.
For Respondent/State	: Shri R.K. Jaiswal, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

30/10/2018

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 142/2018, registered at Police Station – Aajak Dhamdha, Civil and Revenue District- Durg, (C.G.) for the offence punishable under Sections 376, 450, 506, 417 of the IPC and Section 3 (2) v (a) of ST/SC (Prevention of Atrocities) Act.
2. As per the prosecution story, on 17.07.2018, prosecutrix, who is a lady, aged about 20 years, lodged a report in the police station wherein it was stated that prior to one year from lodging the report she met with the Applicant in the Mela Function. On 05.05.2017 at about 8:00 PM, the present Applicant on the pretext of marriage, has committed sexual intercourse with her at courtyard of her maternal house. Thereafter, several times, Applicant has made physical relationship with the prosecutrix. On 17.07.2018, the Applicant refused to marry her and threatened her to kill. On the basis of the said allegations, offence has been registered against the Applicant and he

has been taken into custody on 18.07.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that there was love relationship between the prosecutrix and the Applicant and report was lodged after a gap of one year. Applicant is in custody since 18.07.2018 and trial will take some time. Therefore, he 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 the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that there was love relationship between the prosecutrix and the Applicant and report was lodged after a gap of one year, Applicant is in custody since 08.07.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him 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 solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge

