

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7531 of 2017**

Sukharam, S/o. Premsai Bargah, Aged About 32 Years, R/o. Village Parswar, Chowki- Dowra, Police Station -Pasta, District -Balrampur -Ramanujganj, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Police Station- Pasta, District- Balrampur- Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant : Mr. A.K. Yadav, Advocate

For Respondent/State : Mr. Neeraj Mehta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**29/01/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.20/2017, registered at Police Station – Pasta, District – Balrampur – Ramanujganj (C.G.) for the offence punishable under Section 376 (2) (n) & 506 of Indian Penal Code and Section 3 (2-5) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1988.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant and

the prosecutrix had affair three years prior to the date of lodging of FIR on 31.03.2017. Applicant even wanted to marry the prosecutrix but she refused for the reason that applicant belongs to another caste. False report has been lodged against the applicant, applicant is in jail since 18.04.2017. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that there is enough substance in the prosecution case against the applicant, hence he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per FIR against the applicant, the prosecutrix has stated, that from three years prior to the date of lodging of FIR, applicant used to visit the prosecutrix and have forceful sexual intercourse with her and applicant also used to force the prosecutrix to marry her, to which she refused as she is the member of scheduled tribe, whereas, the applicant is the member of other caste. When the applicant married to some other girl, FIR has been lodged.
6. Considered the submission made and the contents of the case diary. Considering the facts and circumstances of the case and further considering the material available on record, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram