

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7565 of 2017

- Rewalal S/o S/o Shri Rama Chandra, Aged About 32 Years, R/o Village Kumhari, Police Station Marwahi, District Bilaspur, Chhattisgarh. Presently Posted As Technician At Unit No. 524 C. O. 99 Signal Office Milsa Kent Assam, Head Quarter Assam. India., Assam

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kawardha, District Kabirdham, Chhattisgarh., Chhattisgarh

---- Non-applicant

For Applicant – Shri Anand Mohan Tiwari, Advocate.

For Non-applicant/State – Shri Wasim Miyan, Panel Lawyer.

Shri Dinesh Tiwari, Advocate for objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

31-01-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant has been arrested on 07-11-2017 in connection with Crime No.168/2017 registered at P.S. Kawardha, District Kabirdham, Chhattisgarh for the offence under Section 376, 493 of the IPC.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is a member of Armed Forces. He developed affair and physical relationship with the prosecutrix and thereafter he had to leave for his service in the Armed Forces, because of which, the prosecutrix got annoyed and has lodged this false FIR against him. The applicant is ready to abide by all the conditions imposed on grant of bail. Hence, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that there is clear allegation against the applicant that on the pretext of marrying the prosecutrix he made physical relationship with her and denied to marry her. Hence, he is not entitled for grant of bail.

4. Learned counsel for the objector submits that the applicant and the prosecutrix met in a social introductory ceremony held for the said caste society. Thereafter, the applicant increased his acquaintance with the prosecutrix and then after performing a fake marriage in a temple he established physical relationship with the prosecutrix. Thereafter, the applicant started avoiding the prosecutrix, because of which, she came to know that she has been cheated. Hence, he is not entitled for grant of bail.

5. Heard learned counsel for the parties and perused the case diary.

6. The case against this applicant is briefly discussed in the submissions made by the counsel for both the parties.

7. Considered on the submissions made and contents of the case diary.

8. Upon perusal of the case diary, it is apparent that the age of the prosecutrix is 30 years and she herself serving as non-medical assistant. Though there is evidence in the case diary sufficient for the prosecution of the applicant, but looking to the fact that no purpose would be served if the applicant is kept in detention till conclusion of the trial and that the applicant is a member of armed forces, I am of this view that the application filed by the applicant for grant of regular bail deserve to be allowed.

9. Consequently, the application (MCRC No.7565/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge