

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C No. 7864 of 2017

- Kuleshwar Prasad Sahu @ Jitu S/o Shri Manohar Lal Sahu
Aged About 30 Years R/o Sanjay Colony Behind Girls School ,
Police Station Baloda Bazar Tehsil And District Baloda Bazar
Chhattisgarh. , Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Tikrapara
District Raipur Chhattisgarh, Chhattisgarh.

---- Respondent

For the Applicant : Shri D. K. Gwalre,
Advocate.

For the Respondent/State : Ms. Smita Ghai, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26.02.2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 169/2017, registered at Police Station – Tikrapara, District – Raipur, (C.G), for the offences under Section 376 (2) (n) 506 (II) of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 30.03.2017. The Prosecutrix in this case is a major lady of 30

years age. Applicant and prosecutrix had love affair and on account of which they had physical relation on number of occasions before FIR was lodged. He further submits that when the applicant refused to marry her, FIR has been lodged, no case is made out against him, it is prayed that the applicant may be released on bail.

3. Learned counsel for the State opposes the bail application and submissions made that prosecution case is against the applicant, hence, he is not entitled for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. Facts of the case are these that the applicant and the prosecutrix had love affair for almost 2 years, as the applicant under the false promise of marriage had developed physical relations with the prosecutrix several times and when she became pregnant, he refused to marry her. Hence, this case.
6. Considering the submissions and contents of the case diary and nature of the allegation against the applicant, I am of the view that it is a fit case where the applicant is entitled for grant of bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd /-
(Rajendra Chandra Singh Samant)
Judge