

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7814 of 2017**

Jainarayan Yadav S/o Shri Aalichand, Aged About 19 Years R/o Village Karwan Majhapara, P. S. Jainagar, District Surajpur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Incharge, Ajak P. S. Surajpur, District Surajpur Chhattisgarh.

---- Respondent

For the Applicant	:	Ms. Soniya Kuldeep, Advocate.
For the Respondent/State	:	Shri Vinod, Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.02.2018**

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.246 of 2017, registered at Police Station AJAK Surajpur, District – Surajpur, Chhattisgarh for the offence punishable under Section 376 of the Indian Penal Code and Section 3 (2) (5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that the applicant is in jail since 31.10.2017 and he has been falsely implicated in this case. The applicant and the prosecutrix had love affair and on account of which both of them eloped and stayed in village - Gadhwa Meral in Jharkhand for about 6 months during which both established physical relation. After returning to Chhattisgarh, some dispute arose between both of them because of which

the prosecutrix lodged false FIR against him. 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 submissions made in this respect. It is submitted that there is sufficient evidence against the applicant regarding the commission of offence for which he is being prosecuted. Hence, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. According to the written complaint given by the prosecutrix, she was 19 years of age at the time of incident and was having a love affair with the applicant. The applicant enticed the prosecutrix with a promise to marry her and both of them eloped. Both of them stayed in village – Gadhwa Meral in Jharkhand and thereafter, in village – Barra in District Sarguja for about 6 months during which they had physical relationship, as a result of which the prosecutrix became pregnant. Subsequent to that, the applicant refused to marry her. As the prosecutrix belongs to Scheduled Tribe, hence, the offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act was added.

6. Considering the entire material present in the case-diary and the facts that the prosecutrix had been a major lady, she stayed with the applicant for about six months without any hue and cry and the applicant is a local resident of District Surajpur, I am of the opinion that the present is a fit case where the applicant is entitled to be released on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge