

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7837 of 2017**

Pardeshiram Nag, S/o. Ganga, Aged About 34 Years, R/o. Village Murtonda,
P. S. Sukma, District Sukma Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through P. S. Sukma, District- Sukma Chhattisgarh.

---- Respondent

For Applicant	: Mr. P.R. Patankar, Advocate
For Respondent/State	: Mr. Vijay Bahadur Singh, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**22/02/2018**

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.83/2017, registered at Police Station – Sukma, District – Sukma (C.G.) for the offence punishable under Section 315 and 376 of the Indian Penal Code.
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, who is major lady of 20 years had love affair and had on various occasions established physical relation based on consent. Only for this reason, the prosecutrix has lodged FIR because the applicant refused to marry her, hence, no case is made out. It is further

submitted that the prosecutrix herself and her father both have filed affidavit before the concerned Court stating about the compromise between the prosecutrix and the applicant, hence, it is prayed that the applicant be granted bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Brief facts of the case are that the prosecutrix gave a written complaint in Police Station Sukma stating that one year prior to the submission of complaint, applicant came to her house and on the pretext of marrying her, forced her to have sexual intercourse with him. Prosecutrix became pregnant and after pregnancy of six months, applicant forced to take some medicine because of which her pregnancy got aborted. Subsequent to that complaint was filed and on that basis FIR was lodged. Charge-sheet in this case has been filed after completion of investigation.
6. Considered the submissions made and the contents of the case diary. Taking into consideration the facts and circumstances of the case, there had been prior relationship between the applicant and the prosecutrix, hence for this reason, 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