

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8091 of 2017

- Mohani @ Mohnish S/o Bhuneshwar Bhardwaj, Aged About 19 Years
Occupation Student, R/o Village Achanakpali, Police Station
Sarangarh, District Raigarh Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P. S. Sarangarh
Police Chowki Rampur Civil And Revenue District Raigarh
Chhattisgarh , Chhattisgarh

---- Respondent

For Applicant : Mr. Badal Lal Bhardwaj, Advocate.
For Respondent : Mr. Ashok Swarnkar, Panel Lawyer.

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

06/03/2018

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.464/2017, registered at Police Station– Sarangarh, District– Raigarh(C.G.) for the offence punishable under Section 376 of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. According to the complaint FIR has been lodged and the statement given by the prosecutrix, it is clear that applicant and the prosecutrix had affair and were having consensual physical relationship because of which she became pregnant. As the applicant refuse to marry her, because of which this false FIR has been lodged against him. Applicant is in jail

since 22.9.2017. Applicant is a local resident of District-Raigarh and he is ready to abide by all the conditions and directions, which may be imposed while granting bail to him. Hence, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. No case is made out against him, hence, he is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. The allegations against this applicant is this, that applicant on pretext on marrying the prosecutrix established physical relationship with her on various occasions. Subsequent to that the prosecutrix became pregnant, applicant tried for abortion of her pregnancy but could not succeed. The prosecutrix became pregnant of 8 months. She lodged FIR against this applicant making allegation of rape against him. Hence, this case.
6. Considering the entire material present in the case and looking to the case and the allegation against this applicant, I am of this view that applicant should be released on regular bail during the pendency of this case against him.
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 his 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

