

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 7884 of 2017**

- Dushyant Singh Bariha S/o Late Shobha Singh Bariha, Aged About 25 Years, R/o Village Shagundhap, Police Station Sankra, District Mahasamund Chhattisgarh , Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through The Incharge, Out Post Baya, Police Station Rajadevri, District Balodabazar-Bhatapara Chhattisgarh , Chhattisgarh

**---- Non-applicant**

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For Applicant – Mr. Sumit Jhavar, Advocate.

For Non-applicant/State – Ms. Smita Ghai, Panel Lawyer.

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

**Order on Board**

**27-02-2018**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 18-09-2017 in connection with Crime No.42/2017 registered at Out Post Baya, Police Station Rajadevri, District Balodabazar-Bhatapara for the offence under Section 376, 506, 363 of the IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated in this case. The applicant and the prosecutrix had love affair, because of which, both of them eloped and resided in Kasdol, Pithora and Akaltara for about three years. Because of some quarrel between the applicant and the prosecutrix, she left the applicant and went to her parents and under the influence of her parents she has lodged false FIR against this applicant. The applicant is in jail since 18-09-2017. He is ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that on the alleged date of incident in the year 2014 age of the

prosecutrix was about 15 years. Hence, no case is made out for grant of bail.

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

5. The prosecutrix herself has filed a written complaint in P.S. Rajadevri, District Balodabazar-Bhatapara stating that the applicant allured her with promise to marry her and abducted her on 13-11-2014. She resided with the applicant for about three years, during which, on various occasions the applicant established physical relation with her. When the prosecutrix attained the age of majority she asked the applicant to marry her, but the applicant refused, because of which, the complaint was made.

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

7. Considering on the totality of the circumstances in this case, I am of this view that the applicant should be released on bail during pendency of the trial against him.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail 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.

9. Certified copy as per rules.

Sd/-

**(Rajendra Chandra Singh Samant)**  
**Judge**