

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 27 of 2018

- Ajay Kumar Barik S/o Dewaro @ Murli Barik, Aged About 26 Years, Caste Nai, R/o Village Temri, Police Chowki Baloda, Police Station Saraipali, Tahsil Saraipali, District Mahasamund Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Saraipali, (Out Post Baloda) District Mahasamund Chhattisgarh, Chhattisgarh

---- Non-applicant

For Applicants – Shri Sachin Singh Rajput, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-03-2018

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 02-09-2017 in connection with Crime No.131/2017 registered at P.S. Saraipali, District Mahasamund, Chhattisgarh for the offence under Section 376, 493 of the IPC.
2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated in this case. The applicant is in jail since 02-09-2017. The fact of this case is this that, the applicant and the prosecutrix had love affair since 1 and ½ years prior to the lodging of the FIR against this applicant. The only reason for lodging the complaint against this applicant is this that the applicant refused to marry the prosecutrix. The prosecutrix was a consenting party throughout. Hence, it is prayed that the applicant may be released on bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.

5. The case of prosecution, in brief, is this, that about 1 and ½ years prior to the date of filing of the written complaint on 20-04-2017, it is alleged that the applicant allured the prosecutrix with promise to marry her and established physical relationship with her, because of which, she got pregnant and at the time of lodging of the FIR she had pregnancy of 5 to 6 months. Subsequent to that, the applicant refused to marry the prosecutrix. Hence, this case.

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

7. Taking into consideration the entire material present in the case diary, I am of this view that the applicant should be released on regular 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