

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8158 of 2017

- Suraj Madavi (Mandavi) S/o Late Shivshankar Madavi (Mandavi) Aged About 24 Years R/o Village Birgaon, P. S. Jarhagaon, Tehsil & Civil District And Revenue District Mungeli Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - City Koywali, Mungeli Civil And Revenue District Mungeli Chhattisgarh.

---- Non-applicant

For Applicant : Mr. Pallav Mishra, Advocate.

For Non-applicant : Ms. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

05.01.2018

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. The first bail application under Section 439 of the Cr.P.C. was dismissed on default in M.Cr.C. No. 4714/2017 vide order dated 01.11.2017.
3. Perused the charge-sheet provided by the learned counsel for the State in connection with crime No. 199/2017 registered at Police Station – City Kotwali, District – Mungeli (C.G.) for the offence punishable under Section 376 of the Indian Penal Code.
4. Case of the prosecution, in brief, is that the prosecutrix is aged

near about 24 years. She runs a beauty parlor in the name of Akanksha Beauty Parlor at Mungeli. Earlier she was running beauty parlor at Takhatpur. In the year 2015, the applicant and the prosecutrix developed a love affair. The applicant committed sexual intercourse on four occasions on the pretext of marriage with her. Subsequently, he declined to marry the prosecutrix. Thereafter, the prosecutrix lodged FIR in City Kotwali, Mungeli,

5. The charge-sheet has already been filed and the matter is pending before the Additional Sessions Judge, Mungeli. The applicant was arrested on 29.06.2017.
6. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
7. On the other hand, learned counsel for the State opposes the bail application.
8. As per the true copy of the deposition sheet of the prosecutrix, she deposed in para-7 that this is true that nine years old friendship was converted into love affair since back two years.
9. Looking to these circumstances and other facts of the case, also looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicant.
10. Accordingly, the bail application of Suraj Madavi (Mandavi) filed under Section 439 of the Cr.P.C., is allowed.
11. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.15,000/- along with a personal bond in the like sum to the

satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.

12. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

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