

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8402 of 2018**

Shiv Kumar Rajwade S/o Shri Ratan Say, aged about 23 years, Caste- Rajwar
R/o Village Bodar, P.S. and Tehsil Sonhat, District Koriya (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through Station House Officer Sonhat, District Koriya
(C.G.).

---- Respondent

For Applicant	:	Mr. Vijay Kumar Sahu, Advocate
For Respondent	:	Mr. Shangarsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

14/11/2018

1. The applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 69/2018 registered at Police Station Sonhat, District Koriya (C.G.) for the offence punishable under Sections 376 (2) (N), 493 & 417 of the IPC and Section 3 (2)(5) of the Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act.
2. In this case, the prosecutrix is a married lady, aged about 25 years. The applicant is also a married person. On 20/05/2018, the prosecutrix made a report alleging therein that before two years when she had gone to Vikrampur forest for wood cutting, the applicant came there and established physical relation with her on the false pretext of marriage. Thereafter, on several times, the applicant committed sexual intercourse with her, due to which she got pregnant. Resultantly, one

son borne, and thereafter the applicant refused to do marriage with the prosecutrix. On the basis of the said report, offence has been registered and the applicant has been taken into custody on 14/09/2018.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated. He further submits that the applicant is a married person. The incident happened before two years and the FIR has been lodged on 20/05/2018. The prosecutrix is a major lady, therefore, prima-facie no offence is made out against the applicant. He further submits that the applicant is in custody since 14/09/2018 and trial will take time, therefore, the applicant may be released on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that the incident happened before two years and the FIR has been lodged on 20/05/2018, and further considering that the applicant is in custody since 14/09/2018 and the trial will likely to take some time, without further commenting no merit of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a

personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

**Sd/-
(Arvind Singh Chandel)
Judge**

Rahul