

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9209 of 2018

- Somaru Ekka Son of Babulal Ekka, aged about 21 years, Residence of Bhawarmal, Thana – Ramanujganj District Balrampur-Ramanujganj (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through: Police Chouki – Ganesh Mod, Police Station Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	: Shri Pramod Shrivastava, Advocate.
For Respondent/State	: Shri Adil Minhaj, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

14/12/2018

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 106/2018, registered at Police Station Balrampur District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 376 (2-n) of the IPC.
2. In this case prosecutrix is a girl aged about 20 years. As per the prosecution story, on 03.06.2018, a report was made by the prosecutrix herself, wherein, it has been alleged that on the pretext of marriage, the applicant committed sexual-intercourse with her. On the basis of said report, offence has been registered against the applicant and he has been arrested on 04.06.2018.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case, due to some dispute between them a false report has been lodged by the prosecutrix. He further submits that the prosecutrix has

already examined before the Trial Court where she did not support the case of the prosecution and turned hostile, the applicant is in custody, since 04.06.2018 and trial will take some time, therefore, the applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the fact and circumstances of the case, evidence collected by the prosecution and further considering the fact that the prosecutrix has already examined before the Trial Court and she did not support the case of the prosecution and turned hostile, the applicant is in custody since 04-06-2018 and trial will likely to take some time, without further commenting on merits 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. 25,000/- with one solvent 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