

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3289 of 2019**

Vishal Vivek Mukharjee, S/o. Shri Banshodhar @ Banshidhar Mukharjee, Aged About 32 Years, Occupation -Temporary Service, R/o. Village Jawahar Nagar, P.S. Balrampur, Tahsil Ramanujganj, District- Balrampur, Ramanujganj, Chhattisgarh.

---- Applicant**Versus**

The State Of Chhattisgarh, Through : The Station House Officer, Police Station- AJAK, Balrampur, Tahsil Ramanujganj, District- Balrampur- Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant : Mr. Neeraj Mehta, Advocate

For Respondent/State : Mr. Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**17/07/2019**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.5/2019, registered at Police Station –AJAK Balrampur, District – Balrampur – Ramanujganj (C.G.) for the offence punishable under Section 376 (2) (N), 313, 506 of the Indian Penal Code and Section 3 (2) (5) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocity) Act, 1989.

2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The applicant is in jail since 10.04.2019. The prosecutrix is major woman of age 29 years. In fact the applicant and the prosecutrix both have a relation since the year 2013 and as the applicant has refused to marry her that is why, she has lodged FIR making false allegation. Therefore, it is prayed that the applicant be granted regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the FIR lodged, the applicant met with the prosecutrix in the year 2013 and then he promised that he will marry her and established physical relation, which continued for sometime and thereafter, the applicant has refused to marry her that is why, the allegation has been made that the applicant has raped the prosecutrix on the pretext of marriage.
6. Considered on the submissions made and the contents of the case diary. After considering on all the facts and circumstances of the case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram