

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3255 of 2019**

Kumar Singh Khairwar S/o Kheduram Khairwar Aged About 29 Years R/o Baradwar, Post Office And Police Station Sakti, District Janjgir Champa Chhattisgarh. Present R/o - Udela, Post Office And Police Station Simga, District Balodabazar Chhattisgarh. (as per rejection order of the Court below).

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Tilda, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Shivendu Pandya, Advocate.
For the Respondent/State : Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****02.07.2019**

Heard.

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.3 of 2019, registered at Police Station – Tilda, District – Raipur, Chhattisgarh for the offence punishable under Sections 376 and 376(2)(n) of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The applicant has not committed any offence. The prosecutrix is a major girl aged about 18 years. She and the applicant both had love affair which was based on consent. The prosecutrix has been examined before the trial Court and she has not supported the prosecution case. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
4. Heard counsel for both the parties and perused the case diary.
5. The prosecutrix has lodged FIR against the applicant alleging that she was sexually exploited by the applicant on pretext that he will marry her and thereafter, he refused to marry. Hence, this case.
6. Considered the entire material present in the case-diary and also perused the certified copy of the deposition of the prosecutrix which shows that she turned hostile. Hence, for these reasons, I feel inclined to grant bail to the applicant in this case.
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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge