

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3539 of 2019

Asharam Potai, S/o. Rainuram Potai, Aged About 26 Years, R/o. Kochwahi,
Tahsil and District Kondagaon Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station
Kukdajhor, District Kondgaon Chhattisgarh.

---- Respondent

For Applicant	: Mr. K.K. Pandey, Advocate
For Respondent/State	: Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

05/07/2019

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.10/2018, registered at Police Station –Kukdajhor, District – Kondagaon (C.G.) for the offence punishable under Section 493, 376 of Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 28.03.2019. No case of commission of offence of rape is made out. The prosecutrix in this case has submitted for physical relation willingly and with consent. The applicant is Army personnel. 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 prosecution case, the applicant met with the prosecutrix and her parents making statement that he wants to marry the prosecutrix. The parents of the prosecutrix permitted him. Thereafter, the prosecutrix started living with the applicant for sometime during which the applicant had some physical relation with the prosecutrix. Thereafter on various occasion whenever, the applicant used to come on leave, he used to live with the prosecutrix and have physical relation and then ultimately he has refused to marry her.
6. Considered on the submissions made and the contents of the case diary. After considering 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