

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3619 of 2019

- Mohd. Kalam S/o Dukhi Khalifa Musalman, Aged About 35 Years, R/o Haldibadi, Kalsi Dafai (wrongly mentioned as Fulti), Ward No.12 , Chirmiri, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police of Police Station AJAK Baikunthpur, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

----Non-applicant

For Applicant – Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-07-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 18-03-2019 in connection with Crime No.05/19 registered at P.S. - AJAK Baikunthpur, District Koriya, Chhattisgarh for the offence under Section 376(2)(f), 417 of the IPC and Section 3(2-5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 18-03-2019. The prosecutrix in this case is a major woman of age 27 years. There had been a long relationship of the applicant with the prosecutrix and as it did not result in marriage that is why the false FIR has been lodged. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that the applicant has exploited the prosecutrix who is a member of Scheduled Tribes by promising to marry her, therefore, no case is made out for

grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the FIR lodged, about four years prior to the lodging of the FIR, the prosecutrix met this applicant, then the applicant allured her with promise to marry her and then she started living along with him during which the applicant exploited her sexually for about one year. When the applicant did not marry the prosecutrix she left the applicant. The applicant again approached the prosecutrix and convinced her by his promise to marry her and both of them again lived together for about three years. In the later on development the applicant has married with some other person, that is why, the FIR has been lodged.

6. Considering that the prosecutrix in this case is a major woman and she lived in relation with the applicant for a long period, therefore, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge