

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3905 of 2019

- Hari Alias Hariom S/o Raju Ram Aged About 32 Years R/o Village Jogi Tola, Kotma District Anuppur Madhya Pradesh., District : Anuppur, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through Officer In Charge, Police Station Podi, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

 For Applicant : Shri Waquar Naiyer, Advocate
 For Complainant : Shri Shalvik Tiwari, Advocate
 For Respondent/State : Shri Wasim Miyam, Panel Lawyer

Hon'ble Smt.Justice Rajani Dubey
Order On Board

21.10.2019

1. Heard.
2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.89/2019, registered at Police Station Podi, District Koriya(CG) for the offence punishable under Section 376(2) (N) of the IPC.
3. As per the case of prosecution, the prosecutrix lodged a report against the applicant that the applicant maintained physical relations with the prosecutrix for 2 to 3 years on the pretext of marriage stating that he has one child and his wife has died and when she became pregnant, the applicant denied marrying

her. Later on, the prosecutrix could come to know that applicant's wife is alive and he has two children.

4. Learned counsel for the applicant submits that the applicant has not committed any offence. The prosecutrix has lodged a false report against the applicant. He submits that earlier also she has lodged a complaint against another person. She has accepted that the applicant has married her in a Temple, therefore, no offence is made out. He submits the applicant is in jail since 28.5.2019 and yet charge sheet has not been filed and trial will take some time for its final disposal, therefore, the applicant may be released on bail.
5. On the other hand, learned counsel for the Complainant as well as learned counsel for the State oppose the bail application.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, particularly considering the nature of allegations against the applicant and the fact that the applicant is in jail since 28.5.2019, I am of the opinion that present is a fit case to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial

Court for his appearance before the said Court as and when directed till the disposal of the trial.

10. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE

sunita