

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3972 of 2019

- Surendra Singh Thakur S/o Algu Singh Thakur, Aged About 23 Years, R/o Darripara, Ward No. 02, Naila, Police Station Janjgir, District- Janjgir- Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- AJAK, District- Janjgir- Champa, Chhattisgarh., District : Janjgir- Champa, Chhattisgarh

---- Non-applicant

For Applicant – Shri Vivek Singhal, Advocate.

For Non-applicant/State – Shri Devendra Pratap Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-07-2019

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 13-05-2019 in connection with Crime No.02/2019 registered at P.S. - AJAK, District Janjgir-Champa, Chhattisgarh for the offence under Section 376, 506 of the IPC and Section 3 (2) (v) of SC ST 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 13-05-2019. No case is made out against the applicant. The prosecutrix is a major woman of 23 years and she had been a consenting party throughout. Only for the reason that the applicant has refused to marry her, the false FIR has been lodged against him. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application.

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

5. According to the prosecution case, the applicant met with the prosecutrix on 24-05-2017 and thereafter they became intimate with each other and love affair also develop between them. The applicant then on pretext that he will marry the prosecutrix exploited her sexually on a number of occasions and thereafter he has refused to marry her. Hence, this case.

6. After considering the facts and circumstances of this case and looking to this fact that the relationship between the applicant and the prosecutrix has continued for almost two years and the prosecutrix is a major woman, 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