

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3974 of 2019**

Santosh Bunkar S/o Nankuram Aged About 31 Years R/o Chediya, Police Station And Tahsil- Manora, District- Jashpur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station- Shankargarh, District- Balrampur- Ramanujganj, Chhattisgarh.

---- Respondent

For the Applicant : Shri Jitendra Shrivastava Advocate.
For the Respondent/State : Shri Devendra Pratap Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****02.08.2019**

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.86 of 2019, registered at Police Station – Shankargarh, District – Balrampur-Ramanujganj, Chhattisgarh for the offence punishable under Sections 376(2) (da) of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 26.5.2019 and has been falsely implicated in this case. The applicant has not committed any offence. The applicant and the prosecutrix both had a love affair. The prosecutrix is of age 27 years therefore, she was competent to consent. 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. According to the prosecution case, the prosecutrix is a woman aged about 27 years. She has alleged that the applicant on pretext of marrying her has exploited her sexually on number of occasions and then finally, refused to marry her. The love affair continue from the year 2017 to 2019. Hence, this case.
6. After considering the facts and circumstances of this case and the length of affair between the applicant and the prosecutrix, 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