

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3979 of 2019

- Kamaljeet Singh, S/o Bed Pal Singh Aged About 30 Years, R/o Sangatpura, Police-Station- Jind Sadar, District-Jind Haryana, At Present R/o Quarter No. D-S- 2, Garun Nagar, Gevra Dipka, District-Korba, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police-Station-Kotwali, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Sumit Singh, Advocate.
For Respondent	:	Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

30/07/2019

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.302/2019 registered at Police Station-Kotwali, District-Raigarh(C.G.) for the offence punishable under Sections 376 & 323 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 10.05.2019. No case is made out against him regarding the commission of offence of rape. The prosecutrix is 27 years old woman and she had willingly submitted for physical relation with applicant. There is delay in lodging of FIR of about more than 5 months and now the charge-sheet has also been filed, after completion of investigation,

hence, it is prayed that he may be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the applicant is resident of State of Haryana, therefore, there may be difficulties in his availability for trial, hence, applicant is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. According to prosecution case, the applicant and the prosecutrix were Facebook friends since 2017. On invitation of the applicant, the prosecutrix came to Raigarh, where both of them lodged in a hotel and had physical relation, which the prosecutrix claims was not a consensual, thereafter, this relation continued for some time till 30.11.2018. It is alleged, that the applicant had promised to marry the prosecutrix, but then he has refused to marry her. On 5.4.2019, when the prosecutrix met with applicant and insisted for marriage, the applicant quarreled and manhandled her causing injuries to her.
6. After considering the entire material present in the case diary and the way the prosecutrix herself has conducted in this relationship, I feel inclined to allow the application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

