

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 4124 of 2019

- Niten Pal S/o Narayan Chandra Pal Aged About 28 Years R/o Gandhi Nagar, Subhash Nagar, Police Station Gandhi Nagar, District Surguja Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station Schedule Caste Welfare Ambikapur District Surguja Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sushil Dubey, Advocate.
For Respondent/State	: Mr. Amit Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

22/08/2019

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 76/2019, registered at Police Station Schedule Caste Welfare Ambikapur, District Surguja (C.G.) for the offence punishable under Sections 294, 506, 323, 313, 376, 417 & 201 of the IPC, 1860 and Sections 3 (1)(r), 3 (1)(v) of SC/ST (Prevention of Atrocities Act).
2. In this case, at the time of lodging FIR, the age of the prosecutrix was about 23 years. On 11.03.2019, prosecutrix made a report against the applicant in concerned police station alleging therein that on the pretext of marriage, from 19.04.2018, the applicant regularly commenting sexual intercourse with her and due to that she got pregnant. Thereafter, when she informed him about her pregnancy, he gave some medicine to her due to that her child was miscarriage and thereafter he refused to marry with her. On the basis of said report, offence has been registered. The applicant is in custody since 01.04.2019.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that virtually there was a love relationship between both of them. From the evidence collected by the prosecution *Prima Facie* no case has been made out against the applicant. From the statement of prosecutrix, it seems that she was a consenting party in the alleged act. The applicant is custody since 01.04.2019, charge-sheet has been filed and trial is likely to take some time. Therefore, the applicant may be released on bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the applicant is custody since 01.04.2019, charge-sheet has been filed and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 25,000/- with one local solvent surety for the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)

Judge