

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4114 of 2019**

- Vijay Kumar Paikra S/o Jaldev Paikra Aged About 31 Years Cast Kanwar, R/o Bichhitola, Bagbahar, P.S. Bagbahar, Tahsil Patthalgaon, District Jashpur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhatisgarh Through Station House Officer, Police Station Bagbahar, District Jashpur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Hemant Gupta, Advocate.
For Respondent/State	: Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**05/08/2019**

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. 103/2019 registered at Police Station – Bagbahar, District- Jashpur, (C.G.) for the offence punishable under Sections 376, 417, 313, 511 of I.P.C.
2. In this case, age of the prosecutrix is about 30 years. On 16.05.2019, prosecutrix lodged a report against the present Applicant, alleging therein that she (prosecutrix) and present Applicant had developed physical relationship in the year 2009 and thereafter they were in live-in-relationship. It is further alleged that, now present Applicant is going to marry with some other girl. On the basis of the said, offence has been registered against the Applicant. He has been taken into custody on 17.05.2019.
3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case due to some previous dispute with the prosecutrix. He further states that,

prima facie, no case is made out against the Applicant. It is further submitted that, F.I.R. has been lodged after 9 years of incident. Applicant is in custody since 17.05.2019 and trial is likely to take some time. Therefore, he may be released on bail.

4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant is in custody since 17.05.2019 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him 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. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge