

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4292 of 2019

- Prakashchandra Gharat S/o Shyamnath Gharat, Aged About 31 Years, R/o Ward No.18, Village and Post Madpal, Tahsil Jagdalpur, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Nagarnar, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

----Non-applicant

For Applicant – Shri Prafull N. Bharat, Advocate.

For Non-applicant/State – Shri Ashish Gupta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-08-2019

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 08-06-2019 in connection with Crime No.154/19 registered at P.S. - Nagarnar, District Bastar, Chhattisgarh for the offence under Section 376 of the IPC.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 08-06-2019. No case is made out against the applicant. The prosecutrix in this case is a major woman of 28 years and she had been a consenting party throughout in the relationship that existed for about 4 years. Only because the applicant has refused to marry the prosecutrix she has lodged the FIR. Therefore, it is prayed that the applicant may be granted bail.
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, about four years prior to the date of lodging of the FIR the applicant and the prosecutrix got acquainted with each

other and they also liked each other because of which they established physical relationship. It is alleged that the applicant promised that he will marry the prosecutrix therefore relationship happened. In between, the prosecutrix also became pregnant, but her pregnancy was aborted by the applicant. Subsequent to which the relationship continued, but lastly the applicant has refused to marry.

6. After considering on the facts and circumstances of this case, 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