

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4430 of 2019

Abhinav Asna, S/o. Shri Ajay Saloman Asna, Aged About 30 Years, R/o. House No. 197, Ward No. 10, Jarhabhatha, Bilaspur, Tehsil and District Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station Supela, District Durg Chhattisgarh.

---- Respondent

For Applicant : Mr. T.K. Tiwari, Advocate

For Respondent/State : Mr. Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

22/07/2019

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.555/2019, registered at Police Station – Supela, District – Durg (C.G.) for the offence punishable under Section 376, 294, 506 & 323 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The applicant is in jail since 09.06.2019. The prosecutrix in this case is of age about 27 years at present. There had

been relationship of the applicant with the prosecutrix since the year 2013, which shows that the prosecutrix was a consenting party. As the applicant has refused to marry the prosecutrix, only for this reason, this false FIR has been lodged. Therefore, it is prayed that the applicant be granted regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix has stated in her statement under Section 161 and 164 of Cr.P.C. that the applicant had physical relation with her without her consent and willingness, therefore, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the applicant and the prosecutrix got acquainted in the year 2012, thereafter both have entered into relationship in the year 2013, which continued for sometime. Thereafter, the applicant went to pursue further study in Pune. It is further alleged that on 27.05.2019, he again had relationship up till 01.06.2019, when the FIR was lodged for the reason that the applicant has refused to marry the prosecutrix.
6. Considered on the submissions made and the contents of the case diary. Considering the length of relationship and the facts and circumstances of the case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram