

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 4428 of 2019

- Harinath Minj S/o Tekra Ram Aged About 31 Years Occupation Government Job, (Forest Department), R/o Devsara Kala, P. S. Kusmi, District Balrampur-Ramanujganj Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Pasta, Out Post Daura, District Balrampur-Ramanujganj Chhattisgarh

---- Non-applicant

For Applicant : Mr. Pushkar Sinha, Advocate.

For Non-applicant/State : Mr. Sanjay Pathak, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-09-2019

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 14.06.2019 in connection with Crime No.41/2019, registered at Police Station– Pasta, District- Balrampur-Ramanujganj, Chhattisgarh for offence punishable under Section 376(2)(n) of I.P.C.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix in this case is of age above 18 years and she had been a consenting party. The applicant and the prosecutrix both were living in relationship for sometime and thereafter because of some dispute, this false F.I.R. has been lodged. The prosecutrix had presented herself before the Sessions Court and filed application making a statement of no objection for grant of bail, which was not considered by the said Court. Therefore, it is prayed that

he 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, the applicant, on pretext that he would marry the prosecutrix, exploited her sexually since the year 2018 until she became pregnant and thereafter, he has refused to marry her.
6. After considering on the facts and circumstances of this case and also the statement of no objection made by the prosecutrix which is mentioned in the bail rejection order of the Sessions Court, 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.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge