

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4492 of 2019

- Giriraj Singh Maravi S/o Umendra Singh Maravi Aged About 29 Years R/o Village Jaraundha, Police Station Khadganwa, District Koriya, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Inspector, Police Station Pendra Chowki, Kotmi, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Shri Abhishek Sinha, Advocate.
For Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

07/08/2019

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. 140/2017, registered at Police Station – Pendra Chowki Kotmi, District – Bilaspur, Chhattisgarh, for the offence punishable under Sections 376 of IPC.
2. In this case, at present, age of the prosecutrix is about 24 years. On 01.06.2017, a written complaint has been filed by the prosecutrix alleging therein that in the month of June, 2014, engagement between Applicant and prosecutrix was solemnized. Thereafter, on the pretext of marriage, present Applicant repeatedly committed sexual intercourse with the prosecutrix. In the year 2017, Applicant refused to marry with the prosecutrix. On the basis of the said, offence has been registered against the Applicant. He has been taken into custody on 21.05.2019.
3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He

further submits that *prima facie*, no offence under Section 376 of IPC is made out against the Applicant. Prosecutrix herself was a consenting party. Applicant is in custody since 21.05.2019 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 with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that Applicant is in custody since 21.05.2019 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