

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4614 of 2019

- Rahul Chouhan S/o Shri Tarachand Chouhan, Aged About 31 Years, Address N - 58, F.F. Pratap Nagar Kisan Ganj, Near Gulabi Bag, New Delhi., District : New Delhi, Delhi

---- Applicant

Versus

- State of Chhattisgarh Through District Magistrate Durg Chhattisgarh. 491001, District : Durg, Chhattisgarh

---- Non-applicant

For Applicant – Shri V.G.Tamaskar, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate.

Shri B.P. Singh, Advocate for the objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20-08-2019

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 10-03-2019 in connection with Crime No.213/2019, registered at Police Station – Durg, District- Durg, Chhattisgarh for offence punishable under Section 376, 420 of the IPC.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 10-03-2019. The applicant and the prosecutrix got acquainted with each other through matrimonial website Subsequent to which, the relationship was developed between them which is particularly on consensual basis. It is not denied that the applicant has borrowed some money from the complainant. Hence, there is nothing to suggest that the applicant has committed any crime. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that looking to the evidence present in the case diary, no case is made out for grant of bail.

4. On behalf of the objector it is submitted that the applicant has exploited the prosecutrix sexually on the pretext that he will marry her and thereafter he has defrauded her by taking benefit of her innocence and obtained Rs.10,50,000/-. It is submitted that the applicant is habitual offender and he has committed similar kind of crimes through the matrimonial website with other victims. Also, the applicant is resident of Delhi, therefore, if he is granted bail his availability for trial shall be compromised. Hence, it is prayed that the application may be rejected.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, after applicant and the prosecutrix got acquainted with each other they started meeting and they had physical relation for the reason that the applicant had promised that he will marry the prosecutrix, this continued for some time and in between on the demands and request made by the applicant the prosecutrix has provided her with some money on various occasions amounting to Rs. 10,50,000/-. Subsequently, the applicant has refused to marry the prosecutrix in this case.

7. The prosecutrix in this case is a 30 years old woman. After perusing the statement of the prosecutrix under Section 161 of the Cr.P.C. and the complaint filed by the prosecutrix, it appears that the relationship between the applicant and the prosecutrix continued for some time and on the demands made by the applicant the prosecutrix agreed to pass on money from time to time. A dispute has arisen when the applicant has refused to marry her. Therefore, looking to these facts and circumstances of this case, I feel inclined to allow this application.

8. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil