

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4551 of 2019

- Nitesh Paikra S/o Shri Madan Paikra Aged About 25 Years R/o Village Sihar, Police Station Shankergarh, District Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Shankergarh, District Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Respondent

 For Applicant : Shri Jitendra Shrivastava, Advocate
 For Respondent/State : Shri Wasim Miyam, Panel Lawyer

Hon'ble Smt. Justice Rajani Dubey
Order On Board

05.08.2019

1. Heard.
2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.81/2019, registered at Police Station Shankergarh, District Balrampur- Ramanujganj (CG) for the offence punishable under Section 376 of the IPC.
3. As per the case of prosecution, the complainant was in love affair with the applicant since two years and the applicant was enticing her for marriage and on 29.9.2018, he committed intercourse with the complainant and now he is denying to marry her.
4. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated the case. The complainant is major and she is a consenting party. She was in love affair with the applicant

since two years but, she has not disclosed this fact to anybody during this period. The FIR has been lodged after 8 months of the incident. He submits the applicant is in jail since 13.5.2019 and trial will take some time for its final disposal, therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant and the fact that the applicant is in jail since 13.5.2019, I am of the opinion that present is a fit case to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
10. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE