

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4622 of 2019

- Kuman Ram Sethiya S/o Fulchand Sethiya Aged About 24 Years Caste Sundi , R/o Village Lakhibeda Police Station Lohandiguda District - Bastar Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station - Lohandiguda District Bastar Chhattisgarh

---- Respondent

For Applicant : Mr. Vikash A. Shrivastava, Advocates.

For Respondent/State : Mr. Sanjay Pathak, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

20/08/2019

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.47/2019 registered at Police Station–Lohandiguda, District–Bastar(C.G.) for the offence punishable under Sections 376, 506, 323 & 316 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 17.6.2019. No case is made out against this applicant. The prosecutrix is a 43 years old woman and she had been a consenting party. Because of some petty dispute, this false FIR has been lodged, hence, it is prayed that this applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. According to the prosecution case, about two years prior lodging of FIR, on pretext of marriage this applicant established physical relation with the prosecutrix without her willingness and consent which continued for some time and as a result of that the prosecutrix became pregnant. On account of some dispute, this applicant kicked the prosecutrix in her abdomen because of which she has suffered abortion, subsequent to that FIR has been lodged.
6. After considering the facts and circumstances of this case and specifically for the reason that the applicant and the prosecutrix had a relationship since about two years, the outcome of which shall be examined by the trial Court. Hence, for these reasons, I feel inclined to allow the application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on regular bail on his furnishing a personal bond for a 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge