

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4790 of 2019

- Mohan Singh Markam S/o Gharwaram Aged About 26 Years R/o Village- Naaljhar, Patel Para, Police Station- Farasgaon, District- Kondagaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station- Farasgaon, District- Kondagaon, Chhattisgarh.

---- Respondent

For Applicant	: Shri Raza Ali, Advocate
For Respondent/State	: Shri Wasim Miyan, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

14/08/2019

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 108/2018 registered at police station Farasgaon, district Kondagaon (CG) for the offence punishable under Sections 376 and 311 IPC.

As per prosecution case, the applicant has developed physical relations with the prosecutrix for more than 7 years on the pretext of marriage. Subsequently, when the applicant refused to marry her, report has been lodged by the prosecutrix.

Counsel for the applicant submits that there was a long delay in lodging the FIR. He submits that the prosecutrix did not disclose the

said fact for seven years and when in the village meeting the applicant refused to marry her, she lodged the report. He further submits that the applicant is in jail since 27.11.18 and the trial may take some time for its disposal and therefore he be released on bail.

On the other hand, learned counsel for the State opposes the bail application.

Considering the totality of the facts and circumstances of the case, in particular the detention period of the applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned court for his appearance before it as and when directed, he shall be released on bail.

Sd/-

(Rajani Dubey)
Judge