

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4838 of 2019

- Sindhu Das S/o Shri Parsu Das Aged About 27 Years R/o Mankepi, Police Station Shankargarh, Ramanujganj District Balrampur Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant	:	Mr. Sumit Singh Rathore with Ms. Rashmi Sen, 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.75/2019 registered at Police Station–Kusmi, Ramanujganj, District–Balrampur(C.G.) for the offence punishable under Section 376(2)(b) 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 22.5.2019. No case is made out against this applicant. The prosecutrix is 24 years old lady and she had been a consenting party. The FIR lodged is totally false, hence, it is prayed that this applicant may be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that according to the statement of prosecutrix under Section 164 of CrPC, no case is made out for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. According to the prosecution case, the applicant met with the prosecutrix in the month of April, 2019. After getting acquainted the applicant proposed that he wants to marry the prosecutrix and forced her to have physical relation with him. This physical relation continued between them for some time and ultimately the applicant has refused to marry the prosecutrix, hence, this FIR has been lodged.
6. After considering the facts and circumstances and nature of the allegation against this applicant, 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