

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4948 of 2019**

- Yuvraj Nishad S/o Vijay Nishad, Aged About 23 Years, R/o Village-Sihapa, Maratha, Police Station- Sihawa, Tahsil- Nagari, District-Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

**---- Applicant**

**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station- City Kotwali, District- Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

**----Non-applicant**

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For Applicant – Shri D. Kushwaha and Shri Pushpendra Kumar Patel,  
Advocates.

For Non-applicant/State – Shri N.K. Mehta, Panel Lawyer.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**28-08-2019**

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 01-04-2019 in connection with Crime No.241/2019 registered at Police Station – City Kotwali, Civil and Revenue District Dhamtari, Chhattisgarh for the offence under Section 376, 506 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 01-04-2019. No case is made out against the applicant. The prosecutrix is major woman and she had been a consenting party. A totally false FIR has been lodged by the prosecutrix making false allegations against the applicant. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that according to the statement made by the prosecutrix, no case is made out for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, the prosecutrix is aged about 22 years she met with the applicant in the year 2018 and love affair was developed between them in which they also had physical relation with each other. The prosecutrix became pregnant and when she informed about her pregnancy to the applicant he invited her to his own house where she went and stayed for some time, however, because of cruelty committed on her she has to leave the house of the applicant. Therefore, the FIR has been lodged.
6. After considering on the facts and circumstances of this case in particular, I feel inclined to allow this application.
7. 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.
8. Certified copy as per rules.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
**Judge**