

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4931 of 2019

- Somdutta Komre S/o Devendra Kumar Komre, Aged About 21 Years, R/o Village Annutola, Police Station Mangchuva, District Balod Chhattisgarh., District : Balod, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

----Non-applicant

For Applicant – Shri Shaleen Singh Baghel, Advocate.

For Non-applicant/State – Shri Neeraj Pradhan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-08-2019

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 07-05-2019 in connection with Crime No.154/2019 registered at Police Station – Basantpur, District Rajnandgaon, Chhattisgarh for the offence under Section 376(2) & 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 07-05-2019. Admittedly there was a consensual relationship between the applicant and the prosecutrix. The FIR has been lodged only alleging that this applicant had threatened the prosecutrix to maintain relationship ever after her marriage, therefore, offence of rape is not made out against the applicant. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, the applicant and the prosecutrix got acquainted in the year 2017 and then on the pretext that the applicant would

marry the prosecutrix he established physical relation with her despite her objection, this continued for about one year. Thereafter, the marriage of the prosecutrix was fixed, the prosecutrix then was threatened by the applicant that she will have to continue relationship with him or otherwise he will make her videos and photos prepared viral in the social media. Hence, the FIR has been lodged.

6. After considering on the facts and circumstances of this case, 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