

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4988 of 2019

Harilal, S/o. Ramaotar, Aged About 21 Years, Village- Basulapath, Police Station and Tahsil- Wadrafnagar, District- Balrampur- Ramanujganj, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant	: Mr. Sanjay Pathak, Advocate
For Respondent/State	: Mr. Priyanshu Gupta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

28/08/2019

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.74/2019, registered at Police Station – Basantpur, District – Balrampur – Ramanujganj (C.G.) for the offence punishable under Section 376 (2) (n) of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 22.04.2019. No case is made out against the applicant according to the material present in the case diary. The prosecutrix is 25 years old woman and the relation between the applicant and the prosecutrix was a consensual, therefore, no case is made out against the applicant. Therefore, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, prosecutrix is widowed woman living with her parents. It is alleged that this applicant on pretext that he will marry the prosecutrix established physical relation with her, which continued for sometime. Thereafter, the applicant has refused to marry the prosecutrix. Hence, this case.
6. Considered on the submissions made and the contents of the case diary. After considering the facts and circumstances of the case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge