

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6437 of 2019**

- Pyarelal S/o Manbodh Singh, Caste Gond, aged about 22 years, R/o village Bhawarmachhuuaa, Shirouli, Post Belbahara, Police Station & Tahsil Manendragarh, District Koriya (C.G.)

---- Applicant**Versus**

- The State of Chhattisgarh Through : Station House Officer, Police Station Manendragarh, District Koriya (C.G.)

---- Respondent

For Applicant	:	Shri R.K. Pali, Adv.
For Respondent	:	Shri Anil Tripathi, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****28/11/2019**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.234/2019, registered at Police Station - Manendragarh, District Koriya (C.G.) for the offence punishable under Sections 376(2)(n), 506 and 294 IPC.
2. The prosecution story, in brief, is that the applicant, on the pretext of marriage, developed physical relation with the prosecutrix many times as a result of which she became pregnant and gave birth to a child. When the prosecutrix asked the applicant to perform marriage, the applicant refused the same. Based on this, offence has been registered. The present applicant has been taken into custody on 30.08.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He

further submits that the prosecutrix is major and she is a consenting party to the act of the applicant. He also submits that there is delay in lodging the FIR. It is next submitted that the applicant is in custody since 30.08.2019 and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicant is in custody since 30.08.2019 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge