

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6683 of 2019

- Dev Narayan Singh Kanwar S/o Sawan Singh Kanwar Aged About 28 Years R/o Village Hukrapara, Mudhabhatha, Police Station Katghora, District Korba Chhattisgarh....(In Jail),

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer, Police Station - Koni District - Bilaspur Chhattisgarh...(Non Applicant),

---- Respondent

For Applicant	: Shri Dharmesh Shrivastava, Advocate
For Respondent/State	: Ms. Akshara Amit, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

06/12/2019

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 206/2019 registered at police station Koni, District Bilaspur (CG) for the offence punishable under Section 376 IPC.

As per prosecution case, a report was lodged by the prosecutrix alleging that in the year 2017, when she went to Katghora to attend the marriage of her friend she met the applicant and became friends. It is further alleged that after sometime, the applicant proposed her for marriage and thereafter on the pretext of marriage, they developed physical relations.

Counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that the prosecutrix is a married lady aged about 26 years and having one child. He further submits that the prosecutrix has not got divorce from her first husband and has illegally developed relations with the applicant of her own. He submits that the applicant is in jail since 17.07.19 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion and therefore he may be released on bail.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant and that the prosecutrix was a consenting party, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

Sd/
(Rajani Dubey)
Judge