

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6750 of 2019

- Soheli Khan S/o Mohammad Abrar Khan Aged About 23 Years
R/o Gali No. 02, Maudahapara, Raipur, Tahsil And District-
Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through - The Police Station Civil Line
Raipur District- Raipur, Chhattisgarh

---- Respondent

For Applicant	: Shri Rajat Agrawal, Advocate
For Respondent /State	: Shri B.L.Sahu, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

09/12/2019

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. 427/2019 registered at police station Civil Lines, Raipur, District Raipur (CG) for the offence punishable under Section 376 (2) AND 315 IPC.

As per prosecution case, a report was lodged by the prosecutrix alleging that the applicant had developed physical relations with her on the pretext of marriage.

Counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that the prosecutrix was having love affair with the applicant and when he

refused to marry her, she has lodged the report. He further submits that the prosecutrix is aged about 19 years and that she was a consenting party. He submits that the applicant is in jail since 20.08.19 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