

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 7142 of 2019

- Parvin Kaiwart @ Pintu S/o Dhannu Lal Kenwat Aged About 28 Years R/o Village Baltukari, Jairamnagar, Police Station Masturi, District Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Masturi, District Bilaspur Chhattisgarh

---- Respondent

For Applicant : Mr. Rajeev Kumar Dubey, Advocate.
For Respondent/State : Mr. Amit Kumar Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

25/11/2019

1. The applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 389/2019, registered at Police Station –Masturi, District- Bilaspur (C.G.) for the offence punishable under Sections 366 & 376 of the IPC.
2. First bail of the applicant was dismissed for want of prosecution vide order dated 18.10.2019 passed in MCRC No. 6742/2019.
3. In this case, at the relevant time, age of the prosecutrix was about 20 years. As per prosecution story, on 01.10.2019, she lodged a report in concerned police station alleging therein that since 21.01.2017 on the pretext of marriage, the applicant regularly committed sexual intercourse with her and later on

married with another lady. On the basis of said report, offence has been registered.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. Virtually there was a love relationship between the applicant and the prosecutrix. He further submits that when the marriage of the applicant was solemnized with another lady thereafter for harassing the applicant, she lodged a report against the applicant, if the entire story taken as it is, it seems that it is a matter of consent. He finally submits that the applicant is in custody since 03-10-2019 and trial is likely to take some time. Therefore, the applicant may be released on bail.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for both the parties.
7. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that the applicant is in custody since 03-10-2019 and trial is likely to take some time, without further commenting on other merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 25,000/- with one local solvent surety for the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge