

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9334 of 2018**

Mannu Ratre S/o Shri Ramdas, aged about 28 years, R/o Nanapuri, Tahsil Pandariya, Police Station Kunda, District Kabirdham (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Pandariya, District Kabirdham (C.G.)

---- Respondent

For Applicant	:	Mr. Dharmesh Shrivastava, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

04/01/2019

1. The Applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 11/2018 registered at Police Station Pandariya, District Kabirdham (C.G.) for the offence punishable under Section 376 of the IPC.
2. In this case the Prosecutrix is a divorced lady aged about 25 years. On 20/05/2016 at about 9:00 pm, a written report was made by her alleging therein that the Applicant, by alluring her on the pretext of marriage, made physical relation with her, but subsequently refused to marry with her. On the basis of said report, offence has been registered. The Applicant has been taken into custody on 05/11/2018.
3. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. There is no evidence on the basis of which, prima-facie any

offence can be made against the Applicant. He further submits that from the evidence collected by the prosecution, it seems that the Prosecutrix was the consenting party. She is major lady. He further submits that the Applicant is in custody since 05/11/2018 and trial will take time, therefore, the Applicant may be released on bail.

4. Counsel appearing on behalf of the State also opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly the evidence collected by the prosecution and further considering that the Applicant is in custody since 05/11/2018 and trial will likely to take some time, without further commenting on merit of the case, I am inclined to release the Applicant 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. 20,000/- with one surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge