

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5528 of 2020**

- Sapan Maiklin S/o Rajesh Maiklin Aged About 28 Years R/o Shanker Nagar, Near Durga Manch, Police Station Mohan Nagar, Durg, Tahsil And District Durg Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Mohan Nagar, District Durg Chhattisgarh

---- Respondent

For Applicant
For Respondent /State

Mr. Jitendra Gupta, Advocate
Ms. Fouzia Mirza, Additional Advocate
General

Proceedings through Video Conferencing**SB: Hon'ble Mr. Justice Prashant Kumar Mishra****Order On Board****8/10/2020**

1. Heard.
2. This is an application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.197/2020 registered at Police Station Mohan Nagar, District Durg (CG) for the offence punishable under Section 376 of the IPC.
3. The applicant committed forcible sexual intercourse with the

prosecutrix, aged about 26 years, for a period of about 7 years and thereafter, refused to marry her. The material available in the case diary would indicate that the applicant's marriage was proposed to be held with the prosecutrix and they were engaged. Therefore, thinking that the marriage is most likely to happen, the applicant and the prosecutrix started residing together but after 7 years, the applicant refused to marry her, therefore, the FIR has been lodged.

4. Considering the entire facts situation of the case and the fact that the applicant is in jail since 23.6.2020 as also for the reason that the prosecutrix was more than 18 years of age when she started residing with the applicant, I am of the opinion that the present is a fit case, in which, the applicant should be released on regular bail.
5. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his furnishing a personal bond for a sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

6. Certified copy as per rules. Sd/-

(Prashant Kumar Mishra)

Judge

Shyna