

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6320 of 2020

- Mahendra Kujur son of Shri Amir Ram Kujur, aged about 31 years, Occupation-Service, R/o Village Sewari, Police Station Rajpur, District Balrampur- Ramanujganj (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through – P.S. Rajpur, District Balrampur- Ramanujganj (C.G.)

---- State/Non-applicant

For Applicant	:	Shri Akath Kumar Yadav, Advocate
For Non-Applicant/State	:	Shri Vimlesh Bajpai, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

04.12.2020

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 21.08.2020 in connection with Crime No. 113/2020 registered in Police Station- Rajpur, District Balrampur- Ramanujganj (CG) for the offence punishable under Section 376 (2) (n) of IPC.
2. Case of the prosecution in brief is that on 30.06.2020 the prosecutrix lodged a report at Police Station Rajpur, District Balrampur-Ramanujganj alleging that the applicant made friendship with her, thereafter he committed sexual intercourse with her giving assurance her from the year 2016 that he will perform marriage with her. When the applicant refused to marry with the prosecutrix, then she lodged the F.I.R. against the applicant.
3. Learned counsel for the applicant submits that the applicant is in innocent person and has been falsely implicated in this case. He submits that the applicant is in jail since 21.08.2020, charge-sheet has already been filed and

there is every likelihood the trial Court will take some time for conclusion, therefore, the applicant be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, looking to the age of the prosecutrix i.e. 24 years of age, she was having love affair with the applicant since 2016 and their physical relations continued till March, 2020 i.e. for about 4 years, further considering the detention period of the applicant, he has no criminal antecedents as admitted by both the counsel, charge-sheet has already been filed and the trial Court is likely to take some time for its conclusion, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the concerned trial Court, he shall be released on bail. The applicant is directed to appear before the trial Court on each and every date given to him by the said Court, till disposal of the trial.
6. It is made clear that the applicant shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-
(Gautam Chourdiya)
Judge