

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7009 of 2020

Sahil Gond Uikey, S/o Shri Sona Gond, Aged About 22 Years, R/o Durga Chowk, Siltara, P.S. Dharsiwa, District- Raipur (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, P. S. Dharsiwa, District- Raipur (C.G.)

--- Respondent

For Applicant : Mr. C.R. Sahu, Advocate.

For State/ Respondent : Mr. Sameer Sharma, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19/10/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 362/2020, registered at Police Station- Dharsiwa, District- Raipur (C.G.) for the offence punishable under Section 376, 506 of IPC.
2. Learned counsel for the applicant submits that the applicant is in jail since 11.09.2020 and has been falsely implicated in this case. No case is made out against the applicant. The prosecutrix is major and she had been consenting party throughout the incident. The relationship of the applicant and the prosecutrix took place for sometime and thereafter the applicant refused to marry her, because of which, the false FIR has been lodged, making false allegations against the applicant. Hence, it is prayed that this applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that the statement of the prosecutrix is clear and categorical against the applicant regarding commission of offence rape, therefore, this applicant is not entitled for grant of bail. Hence, the application for grant of bail may be rejected.
4. Heard counsel for both the parties and perused the records.
5. As per case of the prosecution, it is alleged that applicant made false promise to marry the prosecutrix and on that pretext, he continuously exploited her sexually for about a month and then refused to marry her, therefore, the FIR has been lodged.
6. Considered on the submissions and the facts present in this case. After considering that the prosecutrix had been major throughout the incident, I am of this view that it would be proper to release the applicant on regular bail, hence, I feel inclined to grant bail to the applicant in this case.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge