

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.7058 of 2020

- Ramprasad S/o Jagdev Aged About 32 Years R/o Madanpur, Police Station Basantpur, District Balrampur Ramanujganj Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Chowki Wadrufnagar, Police Station Basantpur, District Balrampur Ramanujganj Chhattisgarh

---- Non-applicant

For Applicant : Mr. Arun Kumar Shukla, Advocate.

For Non-applicant/State : Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-10-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. The applicant has been arrested on 25.08.2020 in connection with Crime No.124/2020, registered at Police Station- Basantpur, District- Balrampur- Ramanujganj, C.G. for offence punishable under Section 376(2-N) of I.P.C.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in the case and no case is made out against the applicant. The relation of the applicant and the prosecutrix had been totally consensual, only because of the differences that have occurred in which the applicant refused to marry the prosecutrix, this false F.I.R. has been lodged. The applicant is in jail since 25.08.2020, therefore, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that the statement of the prosecutrix is clear and categorical making allegations of commission of offence of rape, therefore, it is prayed that the application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, it is alleged that this applicant, who is married and having children, allured the prosecutrix of age about 23 years, who herself is a deserted woman, with false promise to marry her and then exploited her sexually until she became pregnant then finally the applicant refused to marry the prosecutrix because of which this F.I.R. has been lodged.
6. After considering the statements and the facts of the case, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed, on condition as imposed by the concerned Court.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge