

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6652 of 2021**

Rahul Bhardwaj S/o Setram Aged About 29 Years Resident Of Tushar,
Police Station Jajaipur, District Janjgir Champa CG

---- Applicant

Versus

State Of Chhattisgarh through Station House Officer, Police Station
Jaijaipur , District Janjgir Champa s CG

---- Non-applicant

For applicant	Mr. U.K.S. Chandel, Adv.
For non-applicant/State	Ms. Anjali Singh Chauhan, PL.

Hon'ble Shri Justice N.K. Chandravanshi**Order on Board****24-11-2021**

1. As per applicant, this is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 60/2021 registered in police station Jaijaipur, Distt. Janjgir Champa, (CG) for offence punishable under Section 376 of IPC
3. Brief facts of the case are that applicant and victim/prosecutrix were having relations from 2019 to March, 2021. During this period, on the pretext of marriage, he made physical relation with her several times and out of their relation, she also delivered a female child, but later on, the applicant refused to marry her. On the report lodged by the victim/prosecutrix, crime was registered against the applicant under Section 376 of the IPC. After investigation, charge sheet has been filed and trial is going on before the Special Judge (SCST Act), Sakti in Sessions Trial No. 34/2021.
4. Counsel for the applicant argued that the applicant has been falsely implicated in this case. The applicant has never committed rape with the victim/prosecutrix, they were having relations since 2 – 3 years. He next submitted that victim/prosecutrix is already a married lady and she has 3 children also, she has lodged present FIR only to pressurize the applicant to marry with her. Hence, the applicant may be enlarged on bail.

5. On the other hand, the State Counsel vehemently opposed the bail application and submitted that trial is going on, it is a case under Section 376 of IPC. Hence, the bail application is liable to be rejected.
6. Heard learned counsel for both the parties and perused the case diary and the material available on record.
7. Considering the facts and circumstances of the case, detention period of the applicant, the prosecutrix is already a married woman, having three children, applicant and prosecutrix had relation for long period with each other, the applicant is said to be permanent resident of district Janjgir Champa, I feel inclined to allow the bail application. Therefore, the application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs. 50,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned for his appearance before the concerned Court as and when directed by the said Court, he be released on bail.
8. CC as per rules.

Sd/-
(N.K. Chandravanshi)
Judge