

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.7324 of 2021

- Uday Singh, S/o Motilal, Aged About 24 Years, R/o Village Girwani, P. S. Raghunathnagar, District Balrampur - Ramanujganj, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through P. S. Raghunathnagar, District Balrampur-Ramanujganj, Chhattisgarh

---- Respondent

For Applicant
For Respondent

Mr. Pushkar Sinha, Advocate
Mr. Anil Tripathi, PL

Hon'ble Justice Shri Parth Prateem Sahu

Order On Board

30/11/2021

1. Applicant filed this bail application under Section 439 of CrPC for grant of regular bail, as he has been arrested in connection with Crime No.22/2021, registered at Police Station Raghunathnagar, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 376 (2) (n) of IPC.
2. Case of prosecution is that prosecutrix and applicant were having talking terms over mobile phone. On 29.12.2020, applicant came to the house of prosecutrix at Ambikapur and established physical relation with her twice. On the next day, applicant took prosecutrix to his own house where she resided for about 4 days with him and his family members. After getting knowledge about relationship of the prosecutrix with applicant, mother of prosecutrix came to house of

applicant and brought back the prosecutrix to her own house. Again applicant went to the house of the prosecutrix brought her back to his house where she resided for about 2 months and thereafter applicant ill treated the prosecutrix and ran away from his own house. The prosecutrix thereafter lodged a report to the concerned police station on 09.02.2021, based on which the aforementioned crime was registered and the applicant was arrested on 21.07.2021.

3. Shri Pushkar Sinha, learned counsel for the applicant, would submit that applicant is innocent and has been falsely implicated in the crime in question. The prosecutrix is a major girl, aged about 21 years, from the allegations levelled in the FIR as well as the statements of prosecutrix recorded under Sections 161 and 164 of CrPC, it is amply clear that the prosecutrix was a consenting party. She herself went to the house of the applicant and resided there for considerable period of time, hence the offence as alleged against the applicant will not be attracted. Applicant is in jail since 21.07.2021 and trial may take some time, therefore, the applicant may be enlarged on regular bail.
4. Shri Anil Tripathi, learned State counsel, would oppose the submission of learned counsel for the applicant and would submit that the prosecutrix has levelled serious allegations against the applicant. The applicant established physical relation with the prosecutrix on the pretext of marriage and thereafter he ran away leaving the prosecutrix, hence he is not entitled for benefit of grant of bail. In support of his contention, the learned State counsel read over the statements of the prosecutrix recorded under Sections 161 and 164 of CrPC.

5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegation, the statement of the prosecutrix recorded under Section 164 of CrPC and she being the major girl, aged about 21 years, without commenting anything on the merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail upon his furnishing a personal bail bond for a sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the Trial Court on the conditions that:-
 - (a) The applicant shall appear before the Trial Court regularly on each and every date unless exempted from appearance.
 - (b) The applicant shall not, in any manner, tamper with the prosecution witnesses.
 - (c) If the applicant is found involved in similar offence in the future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
Parth Prateem Sahu
Judge