

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.8005 of 2021

Vikas Kumar Sai S/o Late Shri Somar Sai Aged About 24 Years Caste Cherwa,
Occupation Service (Peon) R/o Near Gandhi Chowk Gandhinagar, Amabikapur
Police Station Gandhinagar District Surguja Chhattisgarh ---- **Applicant**

Versus

State Of Chhattisgarh Through Police Station Gandhinagar District Surguja
Chhattisgarh ---- **Non-Applicant**

For Applicant: Shri Rohitashwa Singh, Advocate.
For Non-Applicant/State : Shri Aktar Hussain, PL.

Hon'ble Shri Justice Deepak Kumar Tiwari

Order on Board

28.10.2021

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.187/2021 registered at Police Station – Gandhinagar, District – Surguja, Chhattisgarh for the offence punishable under Section 376(2)(n) IPC.
2. Prosecution case in brief is that the present Applicant developed friendship with the prosecutrix through facebook, had lover affair with her and on the pretext of marriage, exploited her physically and later on refused to marry her.
3. Learned counsel for the Applicant submits that the Applicant is innocent and has been falsely implicated in the crime in question and is languishing in jail since 25.09.2021. He further submits that the prosecutrix is a married lady and is a consenting party, therefore, he may also be released on bail.

4. Per contra, learned Counsel for the State opposed the bail application.

5. Considering the facts and circumstances of the case, looking to the period of detention, nature of offence and the trial is likely to take some time for its conclusion, without further commenting anything on merits, I am inclined to grant regular bail to the Applicant.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that the Applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed. In case any default is committed by the Applicant in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Deepak Kumar Tiwari)
Judge

Priya