

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9717 of 2021

- Pappu Kumar S/o Shri Lalta Prasad Aged About 32 Years
R/o Mohan Colony, Haldibadi, Police Station And Tahsil
Chirmri, District Koriya Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police
Of Police Station Chirmiri, District Koriya Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. Anil Gulati, Advocate
For Respondent-State	:-	Mr. Wasim Miyan, PL

Hon'ble Shri Justice Deepak Kumar Tiwari
Order On Board

21/12/2021

1. The applicant has preferred this first bail application under Section 439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with crime No.285/2021 registered in Police Station Chirmiri, District Koriya C.G. for the offence punishable under Sections 376(2)(n), 454, 506 of the I.P.C.
2. Case of the prosecution, in brief, is that a report was lodged against the applicant by the prosecutrix alleging that prior to 6 years, when husband of the prosecutrix was not present, the applicant entered in her house and established physical relationship with her and thereafter she became pregnant and blessed with a daughter, who is now aged about two

years.

3. Learned counsel for the applicant submits that the present applicant is an innocent person and has been falsely implicated. He would further submit that it is a case of consent as the prosecutrix a married lady, aged about 30 years, therefore, the he may be released on bail.
4. *Per contra*, learned State counsel would oppose the prayer for grant of bail.
5. Considering the facts and circumstances of the case particularly considering the fact that applicant is in jail since 30.8.2021; prosecutrix is a major lady aged about 30 years and was in a relationship with the applicant, therefore, without commenting on merits, this Court is inclined to release the applicant on bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on executing a personal bond for a sum of Rs.10,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Certified copy as per rules.

SD/-

(Deepak Kumar Tiwari)
Judge

Ayushi