

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9740 of 2021**

- Dhirendra Saw S/o Late Ram Pravesh Saw Aged About 26 Years R/o House No. 476, Ward 21, In Front Of SBI, Titurdih, Sindhiya Nagar, Tashil And District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Durg District Durg

---- Respondent

For Applicant	:-	Mr. Siddharth Tiwari, Advocate
For Respondent-State	:-	Ms. Reena Singh, 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.397/2021 registered in Police Station Mohan Nagar Durg District Durg C.G. for the offence punishable under Sections 323, 342, 506, 376 of the I.P.C.
2. Case of the prosecution, in brief, is that on 15.10.2021, complainant lodged a complaint against applicant that when complainant reached her friend Chandrakala's house for her birthday party applicant and one more person were already

present and after cutting the cake accused said to complainant that he will marry her to which the complainant replied that she is undergoing her studies but accused did not agree and forcefully took her to the room and locked the room and then committed misdeed against her consent, when she opposed accused threatened her to cause death, slapped on her face and head. Accused locked the complainant in the room and next day on 16.10.2021 he went out of the house for some work, complainant escaped and reached her home at Ahiwara.

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 complainant and accused were in love relation since April, 2020 and both were willing to marry before the trial Court. Complainant has also furnished an affidavit stating that she has no objection in release of applicant on bail, therefore, he may be enlarged 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 photographs annexed with the bail application and WhatsApp Chat between the complainant and the accused and the affidavit by the complainant stating no objection in granting bail, 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