

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5478 of 2022

- Surendra Kumar Dewangan S/o Arjun Singh Aged About 42 Years R/o. Village Jamruva, Police Station And District - Balod,, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through-The Station House Officer, Police Station Balod, District-Balod,, Chhattisgarh

---- Respondent

For Applicant	: Shri Shikhar Sharma, Advocate
For Respondent /State	: Shri Anurag Verma, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

29/07/2022

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 112/2022 registered at police station Balod, district Balod (CG) for the offence punishable under Sections 376, 384, 292,509(B),34 IPC and Section 67 of the Information Technology Act.

As per prosecution case, report was lodged by the prosecutrix alleging that the applicant has developed physical relations with her on the pretext of marriage. It is alleged that the co-accused has made a video and transmitted the obscene material in electronic form.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that the physical relation was consensual and the applicant and the prosecutrix were married. He submits that the applicant is in jail since 15.03.2022; charge sheet has been filed; offence is triable by Magistrate and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant and that the prosecutrix was major and married lady, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

Sd/-

(Rajani Dubey)

Judge