

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1287 of 2016

Revanlal Kushwaha, S/o Rammilan Kushwaha, aged about 26 years, R/o Village Naraura, P.S. Gaurela, Civil & Revenue District Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through S.H.O., Police Station Gaurela, District Bilaspur (C.G.)

---- Non-applicant

For Applicant: Mr. A.S. Rajput, Advocate.

For Non-applicant: Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

21/04/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.382/2015, registered at Police Station Gaurela, Distt. Bilaspur, for the offence punishable under Sections 376, 450 of the IPC and 3(1)(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution, in brief, is that on 20-11-2015, the applicant committed sexual intercourse with the prosecutrix and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. On 20-11-2015, Crime No.381/2015 has been registered against the husband of the prosecutrix for offence punishable under Sections 294, 323 and 506 of the IPC, and as a counter blast, on 22-

11-2015, the present FIR under Crime No.382/2015 has been registered implicating the present applicant which is per se false, as there is no medical evidence supporting the case of the prosecution and there is no role committed by the applicant. The applicant has been arrested on 1-12-2015. Charge-sheet has been filed.

4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration, nature and gravity of offence, facts and circumstances of the case, previous case lodged by the applicant under Crime No.381/2015 is against the husband of the prosecutrix, pretrial detention of the applicant and charge-sheet has been filed, I consider it a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge