

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.3726 of 2017**

Ajay Kaushik, S/o Ramgopal Kaushik, aged 28 years, Occupation – Private Job, R/o Korba West, Kailash Vihar, E-583, CSEB Colony Darri, Tahsil & District - Korba (C.G.)

---- Applicant**versus**

State of Chhattisgarh through Station House Officer, Police Station – Ajak, Raigarh, District Raigarh (C.G.)

---- Respondent

For Applicant	:	Shri Rajeev Shrivastava, Advocate
For Respondent/State	:	Ms. Madhunisha Singh, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****13.11.2017**

1. This is the first bail application filed under Section 439 Cr.P.C. for grant of regular bail to the Applicant who has been arrested in connection with Crime No.06 of 2017 registered at Ajak Police Station, Raigarh, District Raigarh (Chhattisgarh) for the offence punishable under Sections 376 and 493 of the IPC and Section 3 (1) B(1), 3 (2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. The allegation against the Applicant is that in the month of July 2015 and thereafter from the month of September 2016 to December 2016, the applicant, by alluring the prosecutrix that he will marry her, committed sexual intercourse with her. On being asked by the prosecutrix to marry her, the applicant refused and abused her in the name of her caste.
3. Learned Counsel appearing for the Applicant submits that the applicant has been falsely implicated in the case. He is innocent.

The prosecutrix is a major girl aged about 23 years. Her evidence itself shows that she was a consenting party. The FIR was lodged belatedly. He is in jail since 06.04.2017. Therefore, he may be released on bail.

4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard Learned Counsel for the parties and perused the entire case diary.
6. Taking into consideration the totality of the facts and circumstances of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- with one solvent surety of the like sum to the satisfaction of the concerned Trial Court for his appearance before the concerned Trial Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge