

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2999 of 2018

Lavkush Tiwari, S/o Rakesh Tiwari, Aged About 25 Years, R/o Yadunandan Nagar Colony, Tifra, Thana Sirgitti, District Bilaspur, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh, Through Thana City Kotwali, District Bilaspur Chhattisgarh,

---- Respondent

For Applicant	:	Shri Samir Singh, Advocate
For Respondent – State	:	Shri Anil S. Pandey, G.A. for the State

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/05/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 03.01.2018 in connection with Crime No.08/2018 registered at Police Station City Kotwali, District - Bilaspur (CG) for the offence punishable under Sections 376, 120B, 506 and 450 of the IPC.
2. As per the prosecution case, a report was made by the prosecutrix that she was subjected to rape without her consent by co-accused Yash Tiwari and subsequently the present applicant threatened her telephonically that her name would be defamed in public and he forced her to continue the relationship with the co-accused.
3. Learned counsel for the applicant submits that the main allegation of rape is against co-accused Yash Tiwari. Against the present applicant, the only

allegation is that he telephonically threatened the prosecutrix. He further submits that main accused Yash Tiwari has already been enlarged on bail by the coordinate Bench. Therefore, the present applicant may also be extended the benefit of bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case-diary and statements recorded under Sections 161 and 164 Cr.P.C. Considering the statements and the fact that co-accused Yash Tiwari has already been enlarged on bail by the coordinate Bench, without any further observation on merits of this case, I am inclined to release the present applicant on bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum 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.

Sd/-

(Goutam Bhaduri)
Vacation Judge