

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4007 of 2018

Mohd. Hussain Ali S/o Mohd. Jalil, aged about 38 years, R/o Village- Ghurdeva via Bankimongra, Tahsil Katghora, District- Korba (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through the Police Station- AJAKS Korba, District- Korba (C.G.).

---- Respondent

For Applicant	:	Mr. Vikash Pandey, Advocate
For Respondent	:	Mr. Ramakant Pandey, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

12/07/2018

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. 4/2018 registered at Police Station- AJAKS, Korba (C.G.) for the offence punishable under Section 376 and 506 of IPC and Section 3 (2) (5) of the SC/ST (Prevention of Atrocities) Act.
2. As per prosecution story on 23/01/2018, a written report was lodged by the prosecutrix, a married lady aged about 30 years, wherein it has been alleged that the applicant/accused has committed sexual intercourse 3-4 times with her on the pretext of providing her job, but the applicant did not do so. On the basis of the said report, offence was registered and the applicant was taken into custody on 21/05/2018.
3. Learned counsel appearing on behalf of the applicant submits that the

applicant is innocent and has been falsely implicated in the present case. The applicant is in custody since 21/05/2018 and investigation has been completed. He further submits that the date of incident is 18/01/2018, however, the report was lodged on 23/01/2018 and the delay has not been properly explained, therefore, the applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the above facts and circumstances of the case, particularly considering that the applicant is in custody since 21/05/2018, investigation has been completed and FIR has been lodged after 4-5 days. Further considering that the prosecutrix is a married lady, aged about 30 years and as per allegation, the applicant had committed sexual intercourse 3-4 times, without further commenting on merit 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 executing a personal bond for a sum of Rs. 10,000/- with one surety for the like sum to the satisfaction of the trial Court. Thereafter, he will appear before the Trial Court on each and every date given by the said Court.

Sd/-
Judge
Arvind Singh Chandel