

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5831 of 2018

Sukhlal Baiga, Alias Dadu S/o Lalmani Baiga, aged about 21 years R/o Village-Badvahi, P.S. Janakpur, Distt. Korea (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through- In-charge Police Station- Janakpur, Distt. Korea (C.G.).

---- Respondent

For Applicant	:	Mrs. Usha Chandrakar, Advocate
For Respondent	:	Mr. Bhaskar Pyashi, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

11/09/2018

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. 30/2018 registered at Police Station- Janakpur, Distt. Korea (C.G.) for the offence punishable under Sections 363, 376 & 506 Part-II of the IPC.
2. As per prosecution story, on 13/03/2018 the prosecutrix, a girl aged about 18 years 1 month lodged a report in the Police Station stating therein that on 06/03/2018, she had gone to the house of her cousin for attending a marriage ceremony. On 07/03/2018 at about 3:30 in the night, the applicant came to her and said that he loves her. Thereafter, he insisted the prosecutrix to go with him to the forest. When the prosecutrix refused to go, he forcibly took her with him to the forest and committed sexual intercourse with her on the pretext of marriage. The applicant kept her with him in the forest till 12/03/2018

and committed repeated sexual intercourse with her. On the basis of the above report, offence was registered and the applicant was taken into custody on 16/03/2018.

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 prosecutrix is a major girl. She was the consenting party. She further submits that the applicant is in custody since 16/03/2018, charge-sheet has been filed and the trial will likely to take some time, 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 entire facts and circumstances of the case, particularly considering that the applicant is in custody since 16/03/2018, the prosecutrix is a major girl, she was the consenting party, charge-sheet has been filed and the trial will likely to take some time, 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. 20,000/- with one surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge