

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 6942 of 2018

- Gopal Yadav S/o Late Narayan Yadav Aged About 26 Years R/o Village Aamgaon Manapara, Police-Station Churcha, District- Korea Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police-Station Churcha, District- Korea Chhattisgarh.

---- Respondent

For Applicant	: Shri Mahendra Dubey, Advocate.
For Respondent/State	: Smt. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

24/10/2018

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 85/2018, registered at Police Station Churcha, Distt. Korea (C.G.) for the offence punishable under Sections 450, 376 (2) (८), 506 of the IPC and Sections 3(1) (XII), 3 (2) (V) of the Scheduled Tribe/Scheduled Caste (Prevention of Atrocities) Act, 1989.
2. As per the prosecution story, prosecutrix is a lady aged about 40 years. On 20.06.2018, a report was lodged against the applicant, wherein it was alleged that before four months of the report present applicant/accused came to the house of the prosecutrix and when he found her alone in her house, he committed rape on her and threatened her that not to disclose anyone about misdeed otherwise she will be killed by him. It was further alleged that applicant thereafter frequently committed rape on her and when she become pregnant, he has given some medicines to her on consuming which, her pregnancy has been terminated. On the basis of above report, offence has been

registered against the applicant and he has been arrested on 27.06.2018.

3. Learned counsel appearing on behalf of the Applicant submits that applicant is innocent and he has been falsely implicated in the present case, the case appears to be of the consent and no offence of rape is made out against the applicant. He further submits that in MLC of the prosecutrix, it was evidently suggested that she was never pregnant in the relevant period. Applicant is in custody since 27.06.2018, charge-sheet has already been filed and trial will take some time, therefore, he may be released on bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case, particularly, evidence collected by the prosecution and further considering the fact that applicant is in custody since 27-06-2018 and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release him 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 solvent surety for the like amount to the satisfaction of the trial court for his appearing before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)

Judge