

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7048 of 2018**

Kuldeep Dewangan, Aged about 34 years, S/o- Shri. Chainlal Dewangan, R/o- Mahadeoghat Road, Raipura, P.S.- D.D. Nagar, Raipur, District – Raipur (C.G.)

----Applicant

Versus

State of Chhattisgarh, Through – S.H.O., Police Station – D.D. Nagar, Raipur, District Raipur, (C.G.)

---- Non-applicant

For Applicant	: Shri Pushkar Sinha, Advocate.
For Non-applicant/State	: Shri Adhiraj Surana, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board**

27/10/2018

Heard.

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.117/2018 registered at Police Station – D.D. Nagar, Raipur for the offence punishable under Section 376 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 5.4.2018 applicant entered into the house of the prosecutrix and committed forcible sexual intercourse with her against her will and thereby committed the aforesaid offence.
3. Counsel for the applicant submits that the prosecutrix is a major girl and she is consenting party to act of the applicant. He submits that the prosecutrix, in her statement, has not supported the case of the prosecution case; and the applicant is in jail since 08.04.2018 , therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. Taking into consideration the facts & circumstances of the case, further considering the material available on record; and the fact that applicant is in jail since 08.04.2018; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
6. Accused/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 to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

