

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 162 of 2019**

- Neel Prasad S/o Shri Sobin Yadav Aged About 22 Years R/o Village Jheradih Paraspara, Thana And Tehsil- Lundra, Civil And Revenue District Surguja Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- Lundra, Civil And Revenue District Surguja Chhattisgarh.

---- Respondent

For Applicant	: Shri Sunil Sahu, Advocate.
For Respondent/State	: Shri DP Singh, Dy. AG.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

29/04/2019

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. 35/2018, registered at Police Station – Lundra, District- Surguja (C.G.) for the offence punishable under Sections 341, 294, 323, 506, 376(2) (a) of the IPC and Section 3 (2-5) & 3 (2) (V-A) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act 1989.
2. In this case, on the date of recording FIR, the age of the prosecutrix is about 21 years. On 01.03.2018, prosecutrix herself lodged a report against the applicant and two other accused persons in police station with the averment that she is the resident of Jheradih, the applicant has developed physical relationship with her since last four years due to that she became pregnant. It was further alleged that the applicant refused to keep her and further he and other co-accused persons abused her and also beaten her on the way of field. On the basis of said report, offence has been registered and the applicant has been

taken in custody on 03.09.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the applicant is innocent and has been falsely implicated in the case due to some dispute. On the basis of evidence collected by the prosecution *prima facie* no offence can be made out against the applicant. He further submits that there is also a delay in lodging the FIR. On the basis of statement of the prosecutrix, it is established that she is a consenting party. The applicant is in custody since 03.09.2018, charge-sheet has already been filed and trial is likely to take some time. Therefore, he 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 the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the applicant is in custody since 03.09.2018, charge-sheet has already been filed and trial is likely to take some time, without further commenting on merits 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. 25,000/- with one local solvent 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