

NAFRHIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 689 of 2019

Ashutosh Bhattacharya, son of Subir Kumar Bhattacharya, aged about 21 years, R/o Tongpal, District Sukma (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Sukma, District Sukma (CG). **---- Non-applicant**

For Applicant	: Mr. V.R. Tiwari, Advocate.
For Non-applicant	: Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board**09.05.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.15/2018 registered at Police Station Sukma, District Sukma for the offence punishable under Sections 376 of IPC and Section 3(2)(v) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.
3. Case of the prosecution, in brief is that on 28.06.2018 prosecutrix was aged about 20 years old. She is a member of Scheduled Tribe. On 28.06.2018 at about 8:00pm she had gone to field to attend the nature's call. At that time, the applicant reached there, pressed her mouth and committed forcibly sexual intercourse with her. Her husband saw her and applicant in suspicious condition, then scuffle took place between the applicant and prosecutrix's husband.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is an innocent and has been falsely implicated in the present case. He further submitted that medical evidence does not support the prosecution case and there is a delay in lodging FIR of three days, therefore, he may be released on bail.
5. On the other hand, counsel for the State opposes the bail application. However, he submits that there is no criminal antecedent is reported against the applicant in police case diary.
6. Looking to the above facts and circumstances of the case, the bail application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned, he be released on bail.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-