

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.2798 of 2019**

Priyesh Singh, S/o Rajkumar Singh, aged about 25 years, R/o Nawapara Near Laxmi Kanya Aashram Ward No.16, Police Station Gandhi Nagar, Ambikapur, District Surguja (CG).

---- Applicant**Versus**

State of Chhattisgarh, Scheduled Caste and Scheduled Tribe (Prevention of Atrocities), Police Station Mahila Thana, Ambikapur, District Surguja (CG).

---- Non-applicant

For Applicant : Mr. Manoj Paranjpe, Advocate.
For Non-applicant : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

25.06.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.18/2018 (wrongly mentioned in order as 19/2019) registered in Police Station Scheduled Caste and Scheduled Tribe (Prevention of Atrocities), Police Station Mahila Thana, Ambikapur, District Surguja for the offence punishable under Sections 376(2)(^६), 294, 323, 34 of Indian Penal Code, Sections 3(1)(r), 3(1)(s), 3(1)(v-^६) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.
3. Prosecution story in brief is that the prosecutrix is aged about 21 years old. She is a resident of village Darripara. She is a member of Scheduled Tribe. In the month of January, 2018, the applicant took her in his house on the pretext of roaming and committed forcibly sexual intercourse with her. Thereafter, he committed repeatedly sexual intercourse with her.

4. Counsel for the applicant submitted that the applicant is an innocent and has been falsely implicated in the present case hence he may be released on bail.
5. Counsel for the State opposed the bail application. However, he submitted that one criminal case under IPC has already been registered against the applicant in police case diary.
6. As per enclosed true copy of papers of Sakhi Center, Ambikapur, District Surguja, which are the part of bail application, the prosecutrix had written a letter for counseling stating that there was love affair between her and the applicant. He had committed repeatedly sexual intercourse with her on the pretext of marriage and, thereafter, he refused to marry with her. In her statement, it has been mentioned that she does not want to take any legal action against him. Neither he had abused her on the caste basis nor beaten her.
7. Looking to the above mentioned facts and circumstances of the case and looking to the material available on record, the bail application is allowed. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- along with a personal bond in the sum of Rs.50,000/- to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail and he shall not commit such type of offence in future.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE