

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 3156 of 2019

- Sushil Kumar Dwivedi, S/o Late Rammilan Dwivedi, aged about 30 years, R/o Boadri, Police Station Singhpur, Tahsil & Distt. Shahdol (M.P.)

---- Applicant

Versus

- State Of Chhattisgarh Through the Police Station Ajak, Ambikapur District Sarguja, (C.G.).

---- Respondent

For Applicant	: Mr. Ritesh Verma, Advocate.
For Respondent/State	: Mr. VK Agrawal, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

16/05/2019

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. 12/2019, registered at Police Station Ajak Ambikapur (C.G.) for the offence punishable under Sections 294, 506, 313, 376(2) of the IPC and Section 3 (1)(r)(s) & 3 (2-5) of the S.C. and S.T. (Prevention of Atrocities) Act, 1989.
2. In this case prosecutrix is a lady aged about 29 years. As per the prosecution story, on 31.12.2014, the applicant by giving assurance of employment to the prosecutrix, taken her to one house for work as a cook and then on the same night, he committed sexual intercourse with her on the pretext of marriage, thereafter, also on 13.02.2015 & 05.06.2015, he again did the same thing with her due to that she became pregnant. It is further alleged that the applicant has aborted her child and on 09.07.2017 & 14.12.2018, on the pretext of marriage he again committed sexual intercourse with her, thereafter, he refused to marry with her. A report has been lodged by the prosecutrix herself.

On the basis of said report, offence has been registered. The applicant is in custody since 25.03.2019.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that from the statement of the prosecutrix, it seems that she was a consenting party. Learned counsel further submits that the incident is of the year 2014 and the FIR has been lodged on 26.02.2019. The applicant is in custody, since 25.03.2019 and trial is likely to take some time, therefore, the applicant 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 fact and circumstances of the case, evidence collected by the prosecution and further considering the fact that the applicant is in custody since 25-03-2019 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 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