

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3536 of 2019

Madvi Harilal S/o Madvi Rama Aged About 22 Years Caste Gond, R/o Sadakpara, Borguda, Police Station And District Sukma Chhattisgarh., District : Sukuma, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Sukma District Sukma, Chhattisgarh., District : Sukuma, Chhattisgarh

---- Respondent

For Applicant	:	Smt. Indira Tripathi, Advocate
For State	:	Shri Raghavendra Verma, Govt. Advocate

S.B. Hon'ble Mrs. Justice Rajani Dubey

Order On Board

27/05/2019

Heard.

1. The 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.102/2018 registered at Police Station- Sukma, District- Sukma (CG) for the offence punishable under Sections 376, 313 IPC and Section 4 of the Protection of Children from Sexual Offences Act.
2. Case of the prosecution, in brief, is that the applicant, on the false pretext of marriage, committed rape on the prosecutrix who is stated to be minor in age. It is further alleged that when the prosecutrix became pregnant, the applicant administered some pills and thereby caused abortion of her pregnancy.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case. It is submitted that during trial, the prosecutrix (PW1) and her father Sodhi Hunga (PW3) have been examined, but they have not supported the prosecution case, turned hostile. They have not stated regarding any overt act committed by the applicant. It is submitted that the

applicant is in jail since 31.12.2018, therefore, under these circumstances, he may be enlarged on bail.

4. On the other hand, learned counsel for the State opposed the bail application.
5. Taking into consideration the submissions made by learned counsel for the parties, considering the material available in the case diary, particularly considering the evidence of the prosecutrix (PW1) and her father (PW3) and further considering that the applicant is in jail since 31.12.2018, I am of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the application is allowed. It is directed that on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed, the applicant shall be released on bail, subject to following conditions:-

(i) That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required and the accused/applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.

(ii) That, the accused/applicant shall not act in any manner, which will be prejudicial to fair and expeditious trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Vacation Judge