

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3529 of 2019**

- Kavita @ Ashu S/o Hasib Agariya Aged About 20 Years R/o Village Kardoni, Police Station Lundra District Surguja Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through S.H.O. Plice Station Bagicha District Jashpur Chhattisgarh

---- Respondent

For Applicant : Shri Nishi Kant Sinha, Advocate

For Respondent/State : Shri Ashish Surana, PL

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****05/07/2019**

1. Heard.
2. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 28.02.2018 in connection with Crime No.32/2018 registered at Police Station Bagicha, District - Jashpur (CG) for the offence punishable under Sections 341, 365, 366, 147 IPC, Section 25, 27 of the Arms Act and Sections 3 (2-1) b (1), 3 (2) (v) of the SC ST (Prevention of Atrocities Act).
3. As per the prosecution case, on 27.02.2018 when the prosecutrix was going on

her scooty at that time the applicant along with the others came from behind, abducted her, took her to forest and thereafter committed forceful sexual intercourse. Thereby the offence has been committed.

4. Learned counsel for the applicant submits that the applicant and the prosecutrix were known to each other and according to the Ex D-1, which would be evident from the cross-examine, the marriage was performed and the photographs are also attached. He would further submit that they were in close proximity and the allegation with regard to abduction is fabricated and inflated statement. He would further submit that the applicant is in jail since 28.02.2018 and the prosecutrix has already been examined and there is no chance of tampering of evidence, therefore, the applicant may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail and submits that the rape has been committed forcefully.
6. Perused the statement of the prosecutrix and cross-examination. Considering the same, without any observation on merits since the prosecutrix has been examined, therefore, taking into the totality, I am inclined to release the applicant on bail.
7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri
Judge