

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3573 of 2019

Ashwani Kumar Sahu S/o Shri Suresh Kumar Sahu Aged About 26 Years R/o Village Kalyanpur, Police Station And Tahsil Sahaspur, Lohara, District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate, Durg / Station House Officer, Police Station Bhilai -3, (Purani Bhilai), District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicant	:	Ms. Upasana Mehta, Advocate
For State	:	Shri A.N. Bhakta, Dy.A.G.

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.228/2019 registered at Police Station- Bhilai-3 (Purani Bhilai), District- Durg (CG) for the offence punishable under Sections 294, 323, 376 IPC.
2. Case of the prosecution, in brief, is that the applicant, on the false pretext of marriage, committed rape on the prosecutrix. It is further alleged that on resistance made by the prosecutrix to such act, she was assaulted and also abused by the applicant hurling filthy language.
3. Learned counsel for the applicant submits that the applicant has not committed any offence. He has been falsely implicated in the case. The prosecutrix is a major lady and there was an affair between her and the applicant. Learned counsel for the applicant submits that the sexual relation-

ship was developed with the free consent of the prosecutrix. It is submitted that the applicant is in jail since 8.5.2019, therefore, under these circumstances, he may be released 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 nature of allegation and further considering the material available in the case diary, 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