

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3570 of 2019

Y Dhanjay Rao S/o Y Jagga Rao Aged About 26 Years R/o Construction Colony
Q.No.1150/2, Police Station Tarbahar Bilaspur Tahsil And District Bilaspur
Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Tarbahar District Bilaspur
Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Pravin Kumar Tulsyan, 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.40/2019 registered at Police Station- Tarbahar, District- Bilaspur (CG) for the offence punishable under Section 376 IPC.
2. Case of the prosecution, in brief, is that the applicant, on the false pretext of marriage, committed rape on the prosecutrix and thereby committed offence alleged.
3. Learned counsel for the applicant submits that the applicant has not committed any offence. The applicant has been falsely implicated in a concocted case on the failure of satisfying illegal demand raised by the prosecutrix. It is submitted that the applicant himself lodged a complaint against the prosecutrix under Section 156 (3) Cr.PC before the Magistrate. Learned counsel for the applicant submitted that the FIR itself has been lodged after a long delay and there is no explanation offered for it. It is

submitted that the applicant is in jail since 6.5.2019, therefore, under these circumstances, the applicant 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 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