

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3818 of 2019

Suraj Nishad S/o Punaram Nishad, aged about 18 Years R/o Village Todhi, Post Temri, Police Station Nondghat, District Bemetara Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Nondghat, District Bemetara Chhattisgarh.

---- Respondent

For Applicant : Mr. Sanjeev Kumar Sahu, Advocate.
For Respondent/State : Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

19/06/2019

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. 116/2019, registered at Police Station – Nondghat, District- Bemetara (C.G.) for the offence punishable under Section 376 of Indian Penal Code.
2. In this case age of the prosecutrix is about 19 years 2 months. As per prosecution story, on 10.04.2019 prosecutrix lodged a report in Police Station wherein it has been alleged that on 08.04.2019 at around 7:00 P.M. present Applicant forcibly committed sexual intercourse with her. On the basis of said report, offence has been registered against the Applicant. The Applicant has been taken into custody since 11.04.2019.
3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated due to some dispute. He further submits that virtually there was a love relationship

between both the prosecutrix and the present Applicant. Prosecutrix in her statements recorded under Section 164 of the Cr.P.C. has categorically stated that she developed physical relationship with the Applicant with her own consent. The Applicant is in custody since 11.04.2019 and trial is likely to take some time, therefore, he may be released on bail.

4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, particularly considering the evidence collected by the prosecution and further considering the fact that the Applicant is in custody since 11.04.2019 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 concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge