

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3863 of 2019

- Pankaj Nishad, S/o Sudhram Nishad, Aged About 25 Years, R/o Village Seoni, Post Office & Police-Station-Chhura, District-Griyaband Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station-Chhura, District-Griyaband Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Shivendu Pandya, Advocate.
For Respondent/State	:	Mr. Subhash Yadav, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

24/07/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.26/2019 registered at Police Station-Chhura, District-Griyaband(C.G.) for the offence punishable under Sections 376 of IPC and 3(2)(v) of SC & ST (Prevention of Atrocities) Act, 1989.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 11.3.2019. Charge-sheet has been filed, after completion of investigation. No case is made out against this applicant according to the evidence present in the charge-sheet, therefore, it is prayed that he may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. According to prosecution case, the prosecutrix was of age above 18 years and she was having affair with applicant for about two years. During which, he has exploited her sexually. Later on, the applicant has refused to marry the prosecutrix for the reason that she belongs to Scheduled Caste, hence, the FIR has been lodged.
6. After over all consideration of the facts and circumstances of this case, I feel inclined to allow the application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on regular bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge