

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4128 of 2019

- Doman Yadav S/o Shri Dafe Yadav Aged About 28 Years R/o Ward No. 01, Rajim, Thana- Rajim, District- Gariyaband, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Rajim, District- Gariyaband, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sudeep Johri, Advocate.
For Respondent/State : Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

30/07/2019

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. 100/2019, registered at Police Station – Rajim, District- Gariyaband (C.G.) for the offence punishable under Section 376 of the IPC and Section 3(2) (V a) of the STSC Act.
2. In this case, the prosecutrix is a widow lady aged about 29 years. As per the prosecution story, on 12.04.2019, the prosecutrix made a report in concerned Police Station alleging therein that since last one year from the date of lodging the FIR, on the pretext of marriage, the applicant has committed sexual intercourse with her. On the basis of said report, offence has been registered. The applicant is in custody since 20.05.2019.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to some dispute between them. He further submits that

prosecutrix is a major lady aged about 29 years and from her statement, it is clear that she was a consenting party, therefore, no offence can be made out against the applicant. The applicant is in custody since 20.05.2019 and trial is likely to take some time. Therefore, the applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case and evidence collected by the prosecution and further considering the age of the prosecutrix. The applicant is in custody since 20-05-2019 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 local solvent surety for the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge