

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 4751 of 2019

- Satish Kumar Nishad S/o Rambilas Nishad Aged About 25 Years R/o Village Barpali, Police Station Shyang, District Korba Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Ajak Korba, District Korba Chhattisgarh.

---- Respondent

For Applicant	: Mr. Dashrath Kushwaha, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

19/08/2019

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. 15/2019, registered at Police Station Ajak, District Korba (C.G.) for the offence punishable under Section 376 of the IPC and Section 3(2)(5) of the SC/ST Act.
2. In this case, the age of the prosecutrix at the time of lodging written complaint is about 19 years. As per prosecution story, on 13.06.2019, prosecutrix herself lodged a written complaint in concerned police station alleging therein that from last one year, on the pretext of marriage, the applicant committed sexual intercourse with her due to that she got pregnant and thereafter the applicant refused to marry with her. On the basis of said report, offence has been registered. The applicant is in custody since 14.06.2019.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that if the entire case taken as it is, it seems that prosecutrix was a consenting party in the alleged Act. Since, the

prosecutrix was above 18 years of age, therefore, prima facie no case has been made out against the applicant, he is in custody since 14.06.2019, charge-sheet has already been filed 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, the evidence collected by the prosecution and further considering the age of the prosecutrix, the applicant is in custody since 14.06.2019, charge-sheet has already been filed 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