

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4776 of 2019**

- Bal Singh Sinha son of Chaitu Ram Sinha, aged about 30 years, resident of Village Unkari, Police Station- Charama, District- North Bastar Kanker (C.G)

---- Applicant**Versus**

- State of Chhattisgarh, through Station House Officer Police Station- Charama, district North Bastar Kanker (C.G.)

---- Respondent_

For Applicant	:	Shri D. N. Prajapati, Adv.
For Respondent/State	:	Shri B.L. Sahu, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****20.08.2019**

1. The accused/applicant has moved this bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 05/2019 registered at Police Station Charama, District- North Bastar Kanker (C.G.) for the offence punishable under Sections 376(2)(N), 313, 315 of IPC and Section 3(2)(v) of SC & ST (Prevention of Atrocities) (Amendment) Act 2015.
2. The prosecution story, in brief is that the applicant and prosecutrix acquainted to each other and they used to talk with each other through mobile. The prosecutrix belongs to member of Scheduled Tribe and on 26.06.2018, at about 7 PM accused/applicant took the prosecutrix in a house situated behind Kothari Petrol Pump, Jisakarra, where the present applicant developed sexual relationship with the

prosecutrix on the pretext of marriage, due to which, she became pregnant and the applicant administered tablet and get the pregnancy aborted. Therefore, the alleged offence has been registered against the applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that the prosecutrix is well educated major lady and she has developed physical relation with the applicant without any protest or objection. The applicant has no criminal background. The applicant is in jail since 21.01.2019, therefore, the present appellant may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the applicant is in jail since 21.01.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge