

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5411 of 2019**

- Shiva Nishad S/o Shri Chainsingh Nishad, aged about 29 years, R/o village Jharmuda, Thana & Tahsil Basna, District Mahasamund (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station Basna, Civil and Revenue District Mahasamund (C.G.)

---- Respondent

For Applicant	:	Shri Sumit Shrivastava, Advocate
For Respondent	:	Shri Anurag Verma, P.L.
For Objector	:	Shri Raghavendra Pradhan, Advocate.

Hon'ble Smt Justice Rajani Dubey**Order on Board****22/10/2019**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.191/2019, registered at Police Station - Basna, District Mahasamund (C.G.) for the offence punishable under Sections 376(2) (n) and 506 IPC.
2. The prosecution story, in brief, is that on 20.04.2019, the prosecutrix lodged a report in police station alleging therein that the applicant on the false pretext of marriage developed physical relation with her, committed sexual intercourse with her many times and when she asked for marriage, the applicant refused to marry her. On the basis of said report, offence has been registered. Present applicant has been

taken into custody on 22.04.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the prosecutrix is a major and consenting party to the act of the applicant. He also submits that the applicant is in custody since 22.04.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the facts and circumstances of the case, the quality of evidence and further considering the fact that the applicant is in custody since 22.04.2019 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Sd/-

(Rajani Dubey)
Judge