

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5445 of 2019**

- Prakash Deewan S/o Ramdhar Deewan, aged about 20 years, residing at Village Rajpur P.S. Bhanpuri District Bastar (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Police Station Kondgaon, District Kondgaon (C.G.).

---- Respondent

For Applicants	:	Mr. P.K. Tulsyan, Advocate.
For Respondent	:	Ms. Reena Singh, P.L.

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

- The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 80/2019 registered at Police Station - Kondagaon, District Kondagaon (C.G.) for the offence punishable under Sections 376 & 307 of IPC.
- The prosecution story in brief is that, on 24.03.2019, the prosecutrix has lodged the FIR against the present applicant alleging therein that, on 15.03.2019, applicant took the prosecutrix Sirpur Lanjoda, to meet her mother with his motorcycle. While returning, applicant took the prosecutrix near a field and tried to outrage her modesty. Thereafter, the prosecutrix was taken to hospital. After completion of investigation charge-sheet has been filed and charges were framed against the applicant.
- Learned counsel for the applicant submits that the

applicant is innocent and has been falsely implicated in the case. He further submits that, according to medical report, no definite opinion was given regarding sexual intercourse and the prosecutrix was discharged on the same day. The applicant is in jail since 22.04.2019, therefore, he may be released on bail.

- Per contra, counsel for the State opposes the bail application.
- I have heard learned counsel for the parties and perused the case diary.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the detention period of the applicant, 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 bail application is allowed.
- 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 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