

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5485 of 2019

- Mohandev Yadav S/o Shri Mantram Yadav, aged 44 years, R/o Village- Nehru Nagar, Jabbal Gali, Police Station Civil Line Bilaspur, District Bilaspur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- A.J.K., Bilaspur, District Bilaspur Chhattisgarh.

---- Respondent

For Applicants	: Shri V.C. Ottalwar, Advocate.
For Respondent/State	: Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

17/10/2019

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. 480/2019, registered at Police Station – A.J.K. Bilaspur District Bilaspur (C.G.) for the offence punishable under Section 376 of IPC and Section 3(2)(v) of Scheduled Caste and Scheduled Tribes (Prevention of Corruption)Act.
2. In this case, prosecutrix is a married lady, aged about 35 years. At that time, she was posted as Assistant Teacher (LB) at Government Primary School Parsada, Takhatpur. The applicant was also posted as Active Head Master in the same school. On 23.07.2019, a written complaint has been lodged by complainant, alleging therein that, since last six years, the present applicant committed forcefully intercourse with her on various occasions, and also abused her on the name of her caste. On the basis of the said report maid by the complainant, offence have been registered against the applicant. The applicant has

been arrested on 24.07.2019.

3. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. Due to some dispute with the prosecutrix, the entire story was concocted. There is no case is made out under Section 376 of IPC. It seems that prosecutrix was also a consenting party. He further submits that applicant is in custody since 24.07.2019 and trial will take some time. Therefore, he may be released on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant has no criminal antecedent, he is in custody since 24.07.2019 and 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 executing a personal bond for a sum of Rs. 20,000/- 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/-
(Arvind Singh Chandel)
Judge