

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 5522 of 2019**

- Ishwardas @ Aishwaraya Das Manikpuri S/o Shri Dhani Das Manikpuri Aged About 31 Years R/o Village Dhanras P. S. Kota, District Bilaspur Chhattisgarh.

---- Applicant

**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Lormi, District Mungeli Chhattisgarh.

---- Respondent

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| For Applicant  | : | Mr. Dheerendra Pandey, Advocate. |
| For Respondent | : | Mr. Anil Tripathi, P.L.          |

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**Hon'ble Smt. Justice Rajani Dubey****Order on Board****11/11/2019**

- 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. 141/2019 registered at Police Station - Chowki Chilfi P.S. Lormi District Mungeli (C.G.) for the offence punishable under Sections 376 & 506 of IPC.
- The prosecution story in brief is that, on 01.04.2019, complainant namely Savitri Bai lodged a report in the Police Station stated therein that, on 18.03.2019, present applicant, who is a cousin brother of the prosecutrix, came in her house for getting his money back which was given earlier and when complainant told him that her husband is not present in the house, applicant stay in complainant's house because of family relation and at night, the applicant outraged the modesty of complainant's daughter and threatened her for dire consequences. Thereafter, offence has been registered against the applicant and he was arrested on 02.04.2019.

- 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 married lady and she did not object at the time of committing sexual intercourse. Applicant is jail since 02.04.2019, there is no previous antecedent against him, therefore, the present applicant may be released on bail.
- On the other hand, 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, further considering the fact that the prosecutrix is a major and married lady 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.
- Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

**Sd/-**  
**(Rajani Dubey)**  
Judge