

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5789 of 2019

- Rakesh Kumar S/o Late Shri Hiralal Uraon Aged About 30 Years Caste-Uraon, R/o - Bilaidand (Semardarri), P.S.- Marwahi, District-Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Sho, P.S.- Marwahi, District- Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondent

 For Applicant : Shri Achyut Tiwari, Advocate
 For Respondent/State : Ms. Akshara Amit, Panel Lawyer

Hon'ble Smt. Justice Rajani Dubey
Order On Board

18.11.2019

1. Heard.
2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.39/2019, registered at Police Station Thana Marwahi, District Bilaspur (CG) for the offence punishable under Sections 376, 323 of the IPC.
3. As per the case of prosecution, on 14.4.2019 when the prosecutrix had come to her brother's house at village Semardarri to attend some function, and while she was going to sleep her mother's house in the night, the applicant caught hold her and committed rape on her.
4. Learned counsel for the applicant submits that the applicant has not committed any offence. The prosecutrix is a married lady aged about 30 years and she was a consenting party. He

further submits that the applicant is in jail since 16.4.2019 and trial may take some time for its final disposal therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant and that the applicant is in jail since 16.4.2019, I am of the opinion that present is a fit case to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
10. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE