

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5725 of 2019

- Dayashanker Kushwaha S/o Shri Washudeo Kushwaha Aged About 30 Years R/o Village Harigawan Wrongly Mentioned In Cause Title As Raghunathpur, P. S. Raghunathpur District Raipur Chhattisgarh, District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Incharge P. S. Sitapur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

 For Applicant : Ms. Soniya Kuldeep, Advocate
 For Objector : Shri Pawan Shrivastava, Objector
 For Respondent/State : Shri Anil Tripathi, Panel Lawyer

Hon'ble Smt. Justice Rajani Dubey
Order On Board

11.11.2019

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 Sitapur, District Surguja CG) for the offence punishable under Sections 376, 420 of the IPC and Sections 3 (2) (5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. As per the case of prosecution, the prosecutrix lodged a report on 6.4.2019 that on the false pretext of marriage the applicant committed sexual intercourse with her and obtained Rs. 2,00,000/- from her.

4. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. She submits that the prosecutrix is a major lady aged about 33 years and she was a consenting party. She submits that the applicant is in jail since 30.6.2019 and yet charge sheet has not been filed and trial will take some time, therefore, the applicant may be released on bail.
5. On the other hand, learned counsel for the State as well as learned counsel for the Objector oppose the bail application.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, particularly considering the nature of allegations against the applicant and yet charge sheet has not been filed and trial may take some time, 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 of the like amount 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