

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5792 of 2019

- Durga Shankar Patel Son Of Devi Prasad Aged About 25 Years Resident Of Village Nonbirra, P.S. Dipka, Tahsil Katghora, District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. Ajak Korba, District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Respondent

 For Applicant : Shri P.K. Patel, Advocate
 For Respondent/State : Ms. Akshara Amit, Panel Lawyer

Hon'ble Smt.Justice Rajani Dubey
Order On Board

07.11.2019

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.157/2019, registered at Police Station Ajak Korba, District Korba(CG) for the offence punishable under Sections 450, 376 of the IPC and Sections 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. As per the case of prosecution, the complainant/prosecutrix lodged a report on 7.8.2019 against the applicant that he committed rape on her.
4. Learned counsel for the applicant submits that the applicant has not committed any offence and due to previous enmity, he has been

falsely implicated in the case. He submits that the complainant/prosecutrix is a married lady and having 2 children. He submits that the applicant is in jail since 7.8.2019 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, particularly considering the nature of allegations against the applicant and charge sheet has been filed, 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