

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5816 of 2019

- Kabir @ Rajju @ Vijay Shankar S/o Charan Das Aged About 41 Years R/o Village Kargi Khurd, Police Station Kota, District Bilaspur, Chhattisgarh Present Address Chh. S. Bal 12th Bataliyan Ramanujganj, District Balrampur, Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station A. J. K. Balrampur District Balrampur - Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Respondent

 For Applicant : Shri Dharmesh Shrivastava, Advocate
 For Respondent/State : Shri Anil Tripathi, 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.21/2019, registered at Police Station A.J.K. Balrampur, District Balrampur-Ramanujganj(CG) for the offence punishable under Sections 376, 312, 420 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 applicant on the false pretext of marriage committed forceful intercourse with the prosecutrix on which she became pregnant and thereafter, the applicant administer her some medicine so as to abort the child.

4. Learned counsel for the applicant submits that the applicant has not committed any offence. The prosecutrix is a major lady and she was consenting party as well as she is a govt. servant. He further submits that the applicant is in jail since 17.7.2019 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 17.7.2019, 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