

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6082 of 2019**

- Sushil Chouhan S/o Mohanlal Chouhan Aged About 24 Years, R/o Bade Nawapara, Police Station Saria, Tahsil Sarangarh, District Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : The District Magistrate, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Hari Agrawal, Adv.
For Respondent/State	:	Mr. Akhtar Hussain, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****19.11.2019**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 87/2019 registered at Police Station Thana Lailunga, District-Raigarh (C.G.) for the offence punishable under Section 376/34 of the IPC.
2. The prosecution story, in brief is that, on 17.05.2019 a report lodged by prosecutrix that on 07.05.2019, marriage of prosecutrix was to be performed, the applicant and the prosecutrix known to each other and were on talking terms and applicant has kept her mobile Sim card and on 04.05.2019 at around 12 pm. at midnight, the accused phoned the prosecutrix and asked her come down and get the Sim card and when the prosecutrix opened the door, the applicant while talking made the prosecutrix to come out of her house and follow her and then took her near mobile tower. Thereafter, the accused along with other co-accused namely Chandrakanti (Sister of applicant) forcibly, on his motorcycle took the prosecutrix and committed sexual intercourse at various

occasions. Based on this offence has been registered against the present applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the age of prosecutrix is more than 24 years and is a consenting party. The applicant is in jail since 18.05.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the prosecutrix is aged about more than 24 years and is a consenting party. The present applicant is in jail since 18.05.2019 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.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

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