NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6281 of 2019

- Dev Dewar S/o Ashok Devar Aged About 21 Years R/o Village - Khamhar Police Out - Post - Jobi, Police Station And Tahsil Kharsia, District - Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Police Out - Post In - Charge - Jodi, S H O - Police Station Kharsia, District - Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ishwar Jaiswal, Adv.
For Respondent/State : Mr. Anurag Verma, PL.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

26.11.2019

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. 191/2019 registered at Police Out-Post-Jobi, Police Station-Kharsia, District-Raigarh (C.G.) for the offence punishable under Sections 376 and 506 of the IPC.
2. The prosecution story, in brief is that, on 28.04.2019 when the prosecutrix was waiting for bus and at that time the applicant came there by his motorcycle and the prosecutrix herself asked him to go to Rampur, thereafter they went to Rampur and when they were coming back the applicant committed sexual intercourse with the prosecutrix against her will, and threatened her to cause death. After that prosecutrix told her mother about the incident and she made a complaint. 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 the prosecutrix is about 24 years. The applicant is in jail since 30.05.2019, 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 age of the prosecutrix is about 24 years and the present applicant is in jail since 30.05.2019 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

H.L. Sahu