

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6216 of 2019

- Shivprasad Chakradhari S/o - Kaushalprasad Aged About 38 Years
R/o - Khapri, Police Station Balod, District Balod Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Balod, District Balod
Chhattisgarh

---- Respondent

For Applicant : Ms. Aditi Singhvi, Advocate
For Respondent/State : Shri Akhtar Hussain, Panel Lawyer

Hon'ble Smt. Justice Rajani Dubey
Order On Board

21.11.2019

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.363/2019, registered at Police Station Balod, District Balod(CG) for the offence punishable under Section 376 of the IPC and Section 3 (2)(v) of the Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act, 1989.
3. As per the case of prosecution, the prosecutrix lodged a report that on the false pretext of marriage, the applicant committed sexual intercourse with her.
4. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the crime. The prosecutrix is aged about 20 years and she was consenting party and there was love affair

between them. She further submits that charge sheet has been filed and the applicant is in jail since 11.8.2019 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, in particular the nature of allegations against the applicant and the prosecutrix is aged about 20 years and the applicant is in jail since 11.8.2019, 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